

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

DA-106/93

New Delhi this the 22nd day of July, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Shri Chandgi Ram,
S/o Sh. Rattan Singh,
R/o Vill.&P.O. Nathu Pura,
Delhi-9. Applicant

(through Sh. Mohd. Nayeemddi for Sh. Ashok Aggarwal)

versus

1. Delhi Administration,
through Chief Secretary,
5, Alipur Road,
Delhi-54.
2. The Development Commissioner,
Delhi Administration,
5/9, Under Hill Road,
Delhi-54. Respondents

(through Sh. Amresh Mathur, advocate)

ORDER(ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

The applicant in this case was a daily rated class-IV employee whose regularisation in accordance with the certain orders of the Hon'ble Supreme Court was by scrutiny by the Staff Selection Commission. Accordingly, he was directed for medical examination in the year 1991. It is an admitted fact that he was continuously working since 1982 and he would have acquired temporary status by then.

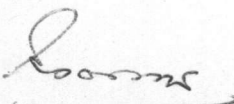
The medical report dated 24.6.91 annexed at page-13 shows that he was reported to be suffering from Pul. T.B.


9

Similar applications came before this Tribunal and were disposed of by an order dated 28.11.1996 stating that none of those applicants were in fact suffering from the said disease and in the circumstances, the Division Bench had directed the respondents to examine the applicants therein all over again by a Medical Board and ascertain their physical state and if found to be healthy and not suffering from Tuberculosis the order of termination would remain quashed.

We too agree to pass the same directions as given in the said O.A. and direct the respondents to constitute a Medical Board and examine the applicant's physical status as on today and in case he is found not suffering from Pul. T.B., he may be reinstated in service considering the termination order stand quashed. He will be entitled to all benefits except the question of payment of arrears for which purpose he shall be treated as a fresh entry. Our orders will not preclude the respondents to reinstate the applicant in case he is found fit even without examination by Medical Board. The respondents shall complete all the formalities within 30 days and in the event no Medical Board is constituted till then, the applicant shall be deemed to have been reinstated.

With the aforesaid observations/directions, this O.A. is disposed of. No costs.


(S.P. Biswas)
Member(A)


(Dr. Jose P. Verghese)
Vice-Chairman(J)