

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

....

C.C.A. No. 76 of 1999

In re.

O.A. No. 1276 of 1992.

this the 2nd day of March 2001.

HON'BLE MR. N. SRIDHARAN, MEMBER (A)
HON'BLE MR. RAFIQUDDIN, MEMBER (J)

Shiv Murat Ram, S/o Daroo, R/o Mahewa, P.O. Moghalsarai,
District Varanasi.

... Applicant.

By Advocate : Sri S.K. Misra.

Versus.

Sri K.K. Pandey, D.R.M., Northern Railway, Lucknow.

... Respondent.

By Advocate : Sri K.P. Singh holding brief of Sri A.K. Gaur.

O R D E R (ORAL)

RAFIQ UDDIN, MEMBER (J)

This contempt petition has been filed by the petitioner for alleged dis-obedience of the order dated 15.12.1998 passed by this Tribunal in O.A. no. 1276 of 1992.

2. While allowing the O.A., the Tribunal had passed the following directions:

" We, therefore, allow this Original Application & direct the respondents to consider the applicant for regularisation against any group 'D' post suitable to his medical category by following the relaxed standard of medical examination as provided in Railway Board's circular dated 29.8.93 within three months from the date of receipt of copy of this order."


3. The respondents in their Counter affidavit vide para 4 have stated that in compliance of the order of the Tribunal, the applicant was sent for medical examination. Subsequently, vide their Supplementary Counter affidavit, the respondents, in para 4, have stated that the applicant

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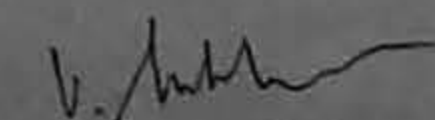
was found medically unfit even following the relaxed standard of medical examination, as provided in the Railway Board's circular. The applicant was also informed ^{regarding it} vide letter dated 22.7.2000. It was stated that the applicant was found unfit in B-1 and below due to physic dis-ability by Chief Medical Superintendent, Northern Railway, Lucknow on 15.3.2000, a copy of the medical report issued by the concerned Medical Officer has also been annexed as Annexure CA-2.

4. We have heard the learned counsel for the parties and have perused the pleadings on record.

5. The applicant in his Rejoinder affidavit has not specifically denied the fact of medical examination conducted by the respondents. It is, however, denied that the applicant ² ~~was~~ ever received the letter dated 1.2.2000 through which the app-licant is stated to have been informed about his medical examination. The applicant has, however, not filed any document or Rejoinder rebutting the contents of the letter dated 22.7.2000 issued by the Assistant Engineer, Northern Railway, Lucknow, in which the facts regarding the medical examination having been conducted on 15.3.2000 and the applicant having been found unfit in B-1 and below due to ^{have been mentioned.} physic disability. We are, therefore, satisfied that the respondents have complied with the order of this Tribunal and no case for contempt is made-out. The contempt petition is liable to be dismissed. Accordingly, the Contempt petition is dismissed. Notices issued to the respondents are hereby discharged. The learned counsel for the applicant insists that the applicant may be granted a liberty to file fresh O.A. challenging the order of the medical examination. It is ordered accordingly.


MEMBER (J)

ALLAHABAD: DATED: 2.3.2001.
GIRISH/-


MEMBER (A)