

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

(8)

Original Application No. 22 of 2000
this the 9th day of April 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)
HON'BLE MR. S. BISWAS, MEMBER (A)

Hari Charan, S/o late Sri Kalika, resident of 133/784, Naya-Purwa, District Kanpur Nagar.

Applicant.

By Advocate : Sri K.K. Tripathi.

Versus.

Union of India through its Secretary, Ministry of Defence,
New Delhi.

2. Director, Ordnance Factory Board, 10-A S.K. Bose Road, Calcutta.
3. Chairman, Ordnance Factory Board, 10-A, S.K. Bose Road, Calcutta.
4. General Manager, Ordnance Parachute Factory, Kanpur Nagar.

Respondents.

By Advocate : Sri Ashok Mohiley.

O R D E R (ORAL)

RAFIQ UDDIN, MEMBER (J)

The applicant has approached this Tribunal for issuing directions to the respondents to permit him to join the post of Tailor (SS) in the office of General Manager, Ordnance Parachute Factory, Kanpur (respondent no.4) and to quash the impugned order dated 6.11.1999 (Annexure-A-1 to the O.A.).

2. The brief facts of the case as disclosed in the O.A. are that the applicant, who possessed the certificate of Tailoring from the Directorate of Technical Education, had appeared in the trade test for selection of Tailor under the respondent no.4 and after passing the trade test, he

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was interviewed by the Selection Board on 1.6.1984. After passing the interview, he was directed to report in the establishment on 27.2.1984 for completion of/recruitment formalities. The applicant alongwith other candidates were referred to Combind Hospital, Kanpur for his medical test. On receipt of the medical test reports of the selected candidates from the Combind Hospital, the respondents advised all the candidates to report for duty on 1.5.1985. However, the applicant was not allowed to join his duty stating that his medical report has not been received in the office of the respondent no.4. Thereafter, the applicant approached the concerned Medical Officer namely Dr. P.K. Mukherjee for his medical report. The applicant was informed by the Medical Officer concerned that he was medically fit and his report was already sent to the respondents' office. The applicant claims that he approached the Works Manager several times, but he was informed repeatedly that his medical report has not been received.

3. The applicant also alleges that one Sri Virendra Kumar Shiromany informed him through ~~Enland~~ letter dated 5.4.1985 that he was interested in Govt. Service of Ordnance Parachute Factory Kanpur, he should pay Rs. 5000/-. The applicant vide his registered application dated 11.3.1999 again requested the respondent no.4 about his grievance of not having been appointed. The respondent no.4 vide his letter dated 6.11.1999 informed the applicant that he was found medically unfit.

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

5. It has been pointed-out on behalf of the respondents that all the selected candidates were directed to report for duty on 1.1.1985 except the applicant and one Kishori Lal

as their medical reports have not been received from the Medical Officer, Combind Hospital, Kanpur. On enquiry, the Senior Medical Officer, Combind Hospital, Kanpur, vide his letter dated 8.5.1985 informed the respondent no.4 that the applicant and one Kishori Lal, who were duly medically examined, but were declared permanently unfit by the Specialist of the Hospital vide medical report dated 24.1.1985 (Annexure CA-7 to the Counter). Consequently, the applicant could not be appointed on the post of Tailor, on being declared permanently unfit by the medical authorities.

6. The learned counsel for the applicant has not challenged the genuineness of the medical report dated 8.5.1985, a copy which has been annexed as Annexure CA-7 to the counter. It is, however, contended by the learned counsel for the applicant that the applicant was not duly informed regarding the medical report or on being declared permanently medically unfit by the medical authorities of the Combind Hospital as well as by the Specialist of the ~~find~~ Air Force Hospital. We, however, do not force in the arguments of the learned counsel for the applicant because admittedly other selected candidates joined on 1.1.1985 and the applicant approached this Tribunal in the year 2000 after expiry of 15 years period. It is obvious that the applicant had the knowledge of being declared medically unfit, otherwise, he should have approached this Tribunal within a reasonable period of time after his colleagues have joined in the year 1985.

7. In view of the above, we do not find any merit in the O.A. and the same is dismissed. No order as to costs.

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MEMBER (A)
GIRISH/-

Ranveer
MEMBER (J)