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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 167 OF 1988
K.A.O. No.

DATE OF DECISION 12.5.1988

SHRI NARAYAN SHANKAR Petitioner

MR. K.K. SHAH Advocate for the Petitioner(s)

Versus

UNION OF INDIA & ORS. Respondent(s)

MR. N.S. SHEVDE Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.H. TRIVEDI, VICE CHAIRMAN.

The Hon'ble Mr. P.M. JOSHI, JUDICIAL MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal.

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CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman
Hon'ble Mr. P.M. Joshi .. Judicial Member

O R A L - O R D E R

12/05/1988.

Per : Hon'ble Mr. P.M. Joshi .. Judicial Member

In this application filed under section 19 of the Administrative Tribunals Act, 1985, the petitioner Shri Narayan Shanker of Ahmedabad has prayed that the respondents be directed to allow the petitioner to perform his duty as 'Casual Khalasi' or as a Substitute by directing the respondent to re-examine him medically and hold that the petitioner is entitled ^{reimburse} ~~of~~ the medical expenses and other benefit.

2. We have heard Mr. K.K. Shah, learned counsel for the petitioner at a considerable length. During the course of his submissions, he has strenuously urged that the petitioner had acquired temporary status and his services were put to an end on the ground of medical unfitness. But, now when he is medically fit he should be re-examined and he should be reinstated.

3. It is significant to note that the petitioner has been already terminated with effect from 29.6.1982, the cause for grievance if any, therefore, commenced since the said date. The application has been filed on 19.2.1988. The cause is admittedly 3 years prior to the establishment of the Tribunal ^{i.e. 1.11.85} and therefore we have no jurisdiction to condone the delay in this regard. The petitioner was already informed that he has no justification in the claim regarding the reimbursement of medical expenses. With regard to the relaxed standard also he has been informed that it applies only to the Vision Test and not for general physical examination. The relief therefore prayed for

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in this regard cannot be entertained (See R.S. Shinghal v. Union of India A.T.R. 1986 CAT 28). The application, therefore, deserves to be rejected and accordingly, is rejected in limine.

Joshi
(P M Joshi)
Judicial Member

Trivedi
(P H Trivedi)
Vice Chairman

*Mogera