

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD

RA/M.A/O.A./T.A./ 254 ⁹⁰ 198_p

K G Pandya Applicant (s).

M K Sawl Adv. for the
Petitioner (s).

Versus

Union of India & R Respondent (s).

B.R. Kapadia Adv. for the
Respondent (s).

| SR. NO. | DATE. | ORDERS, |
|---------|-------|-----------------------------|
| | | posting order (Copy served) |

O.A./254/90

Present: Counsel for the parties

28-6-1990

In para-3 of the application it is mentioned that the impugned order is dated 11.6.1987 to which no reference has been made in the relief and it has also been mentioned in the application that the same is within limitation without stating the grounds for the same. ^{allowed} The counsel for the applicant submits that he may be ~~to~~ reconsider the matter and make an appropriate application. To come up on 9.7.1990.

M. M. Sing

(M.M.Singh)
Administrative Member


(B.K.Jain)
Judicial Member

a.a.b.

2

CORAM : Hon'ble Mr. M.M. Singh . .. Administrative
Member

Hon'ble Mr. N.R. Chandran .. Judicial Member

9.7.1990

Learned counsel for the applicant is not present
when the case is called. Post the case on 10th July,
1990 for admission.

N R Chandran

(N R Chandran)
Judicial Member

M M Singh

(M M Singh)
Administrative Member

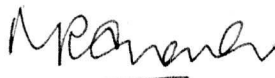
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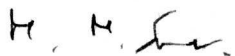
O.A./254/90

CORAM : Hon'ble Mr. M.M.Singh : Administrative Member
Hon'ble Mr. N.R.Chandran: Judicial Member

10/7/1990

The matter was called yesterday. Neither the applicant nor his counsel was present. The matter was adjourned for hearing today. Even today both the applicant and his counsel are absent. Hence the ^{O.A}~~matter~~ is dismissed for default.


(N.R.Chandran)
Judicial Member


(M.M. Singh)
Administrative Member

AIT

Shri Kishor Gunwantraï Pandya,
Hindu Adult, Aged about 28 years,
Sai Baba Society, Shiv Shakti,
Near Rail Nagar, Behind Popatpara,
Rajkot.

.... Applicant.

(Advocate: Mr. M.K. Paul)

Versus.

1. The Union of India,
Owning Western Railway,
Through: The General Manager,
Western Railway, Churchgate,
Bombay - 20.

2. The Divisional Railway Manager,
Western Railway,
Mothi Compound, Rajkot.

..... Respondents.

(Advocate: Mr. B.R. Kyada)

ORDER

M.A.No. 429/90

in

O.A.No. 254/90

Coram: Hon'ble Mr. M.M. Singh, Administrative Member.
Hon'ble Mr. R.C. Bhatt, Judicial Member.

14-2-1991

Per: Hon'ble Mr. M.M. Singh, Administrative Member.

Mr. B.R. Kyada, learned counsel for the respondents has no objection to the restoration application. Application is allowed. M.A.No. 429/90 disposed of.

2. Heard Mr. M.K. Paul, learned counsel for the applicant on Original Application which was pending admission.

3. In the application on page 2 figure the averments to the effect that the applicant having failed in the medical test pursuant to the first examination, he had again appeared in the oral test

M. K. 

..... 2/-


at Rajkot in the year 1987 for the post of Diesel Khalasi grade 750-940 and had passed the oral test pursuant to which he was given memo for the medical test by the concerned branch of the railway as a result of which he appeared before the medical board and was declared medically fit as per certificate dated 4/7-12-1987.

4. There is no evidence furnished to show that the second test was held much less any evidence to show that the applicant had taken the test and was declared successful. On the contrary, the railway administration in the reply dated 11.5.1989 to the applicant has said that the applicant was asked by a letter dated 11.2.1985 to attend the Divisional Office with necessary certificates so that he could be sent for medical examination prior to the appointment. He was accordingly sent for the medical examination but was declared medically unfit vide order dated 3.5.1986 issued by the Medical Officer, Rajkot. As the applicant was medically unfit for railway service, the respondents could not offer him appointment. The respondents further say in this letter that the applicant had never submit^{ed} any appeal against the medical certificate issued by the D.M.O. It is also said in this letter that the applicant was not asked to go for medical examination again and the respondents are therefore investigating the circumstances under which the applicant had gone for medical examination again in December 1987. The respondents in this letter have informed the applicant

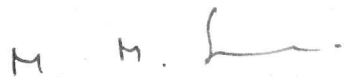
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that since he had failed in the medical examination, his case cannot be considered for appointment in railway service.

5. In view of this reply of 11.5.1989 to the effect that the medical unfitness of the applicant became final by ~~the~~ the fact that he never appealed against the certificate of unfitness and there being no evidence in the application that the second test as claimed was held in which the applicant sat and was declared successful, the application lacks merits. We hereby reject the same without any order as to costs.



(R.C. Bhatt)
Judicial Member



(M.M. Singh)
Administrative Member

ttc.

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Hindu Adult, Aged about 28 years,
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(R.C. Bhatt)
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