

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 414 OF 1991.

~~Ex. No.~~

DATE OF DECISION 12.10.1994.

Shri Babu Mohan, Petitioner

Mr. U.M. Panchal, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent s

Mr. B.R. Kyada, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B. Patel, Vice Chairman.

The Hon'ble Mr. V. Radhakrishnan, Admn. 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 ?

No.

Shri Babu Mohan,
Gangmate, Gang No.2,
Railway Quarters,
Railway Station - Chhapi,
Tal. Vadgam,
Dist: Banaskantha.

..... Applicant.

(Advocate: Mr. U.M. Panchal)

Versus.

1. P.W.I. (N) Mehsana,
Mehsana (Western Railway).
2. D.R.M. Office,
Rajkot Division,
Western Railway,
Kothi Compound, Rajkot.
3. Union of India
Notice to be served through
General Manager
Headquarter Office,
Western Office,
Churchgate, Bombay.

..... Respondents.

(Advocate: Mr. B.R. Kyada)


ORAL ORDER


O.A.No. 414/1991

Date: 12.10.1994.

Per: Hon'ble Mr. N.B. Patel, Vice Chairman.

The applicant and his advocate are not
present. Dismissed for default. No costs.


(V. Radhakrishnan)
Member (A)


(N.B. Patel)
Vice Chairman

vtc.

Date	Office report	Order
23.1.95		<p>Leave note filed by Mr. Kyada. Adjourned to 30.1.1995.</p>
		<p>(K.Ramamoorthy) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p>
		vtc.
30/1/95		<p><u>M.A. 33/95</u></p>
		<p>Heard Mr.Panchal and Mr.Kyada. M.A. allowed. Order dismissing the O.A.414 of 1991 is hereby set aside and the same O.A. is restored to file. M.A. stands disposed of.</p>
		<p><u>M.A.34/95</u></p>
		<p>M.A. allowed. Order dated 1/9/94 taken on a record. M.A. stands disposed of.</p>
		<p><u>O.A.414/91</u></p>
		<p>Adjourned to 24/2/95.</p>
		<p>(K.Ramamoorthy) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p>
		SS

Date	Office report	Order
24-2-95		<p>Adjourned to 29-3-95, at the request of Mr. Panchal as he is feeling indisposed.</p> <p>(K. Ramamoorthy) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>ssh*</p>
29-3-95		<p>Adjourned to 27-4-95 at the request of Mr. Panchal.</p> <p>(K. Ramamoorthy) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>vtc.</p>
27-4-95		<p>As the Hon'ble Vice Chairman is not available, adjourned to 29-6-95.</p> <p>(K. Ramamoorthy) Member (A)</p> <p>ss</p>
29-6-95		

9

Date	Office report	Order
23.1.95		<p>Leave note filed by Mr. Kyada.</p> <p>Adjourned to 30.1.1995.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>vtc.</p>
30/1/95		<p><u>M.A.33/95</u></p> <p>Heard Mr.Panchal and Mr.Kyada.</p> <p>M.A. allowed. Order dismissing the O.A.414 of 1991 is hereby set aside and the same O.A. is restored to file. M.A. stands disposed of.</p> <p><u>M.A.34/95</u></p> <p>M.A. allowed. Order dated 1/9/94 taken on a record. M.A. stands disposed of.</p> <p><u>O.A.414/91</u></p> <p>Adjourned to 24/2/95.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p> <p>ss</p>

Date	Office report	Order
24-2-95		<p>Adjourned to 29-3-95, at the request of Mr. Panchal as he is feeling indisposed.</p> <div> <div>(K. Ramamoorthy) Member (A)</div> <div>(N. B. Patel) Vice Chairman</div> </div> <p>ssh*</p>
29-3-95		<p>Adjourned to 27-4-95 at the request of Mr. Panchal.</p> <div> <div>(K. Ramamoorthy) Member (A)</div> <div>(N. B. Patel) Vice Chairman</div> </div> <p>vtc.</p>
27-4-95		<p>As the Hon'ble Vice Chairman is not available, adjourned to 29-6-95.</p> <div>(K. Ramamoorthy) Member (A)</div> <p>ss</p>
29-6-95		

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

O.A. NO./414/91

T.A. NO.

DATE OF DECISION 29th June, 1995

Babu Mohan	Petitioner
Mr. U. M. Panchal	Advocate for the Petitioner (s)
Versus	
Union of India & ors.	Respondent
Mr. B. R. Kyada	Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. N. B. Patel

Vice Chairman

The Hon'ble Mr. K. Ramamoorthy

Member (A)

JUDGMENT

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

JND.

Shri Babu Mohan

Gangmate, Gang No.2,
Railway Quarters,
Railway Station-Chhapi,
Tal.Vadgam, Dist. Banaskantha.

Applicant

Advocate Mr.U.M.Panchal

versus

1. P.W.I. (N), Mehsana,
Mehsana (W.Rly.)
2. D.R.M., Office,
Rajkot Division,
W.Rly., Kothi Compound,
Rajkot.
3. Union of India, Through :
General Manager,
Head Quarter office,
W.Rly., Churchgate,
Bombay.

Respondents

Advocate Mr.B. R.Kyada

ORAL ORDER


O.A.414/91


Date: 29-6-1995

Per Hon'ble Mr.N.B.Patel

Vice Chairman

The applicant and his advocate,
Mr.Panchal are not present. Dismissed for default. No
order as to costs.


(K.Ramamoorthy)
Member (A)


(N.B.Patel)
Vice Chairman

Date	Office Report	ORDER
7-8-95		<p>Adjourned to 9th August, 1995, at the request of Mr. Panchal. Copies furnished to Mr. Kyada.</p> <p><i>[Signature]</i> (V. Radhakrishnan) Member (A)</p> <p><i>[Signature]</i> (N.B. Patel) Vice Chairman</p> <p>ait.</p>
9-8-95		<p>Sick note filed by Mr. Kyada. Adjourned to 21-8-95.</p> <p><i>[Signature]</i> (V. Radhakrishnan) Member (A)</p> <p><i>[Signature]</i> (N.B. Patel) Vice Chairman</p> <p>ss</p>
21-8-95		<p><u>M.A. 501/95</u></p> <p>M.A. allowed. Order dismissing the O.A. 414/91 is set aside and the said O.A. is restored to file. M.A. stands disposed of.</p> <p><u>O.A. 414/91</u></p> <p>Adjourned to 23-11-1995 for final hearing.</p> <p><i>[Signature]</i> (V. Radhakrishnan) Member (A)</p> <p><i>[Signature]</i> (N.B. Patel) Vice Chairman</p> <p>ss</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. NO. 414/91
T.A. NO.

DATE OF DECISION 23-11-1995.

Mr. Babu Mohan **Petitioner**

Mr. U.M. Panchal **Advocate for the Petitioner (s)**

Versus

Union of India and Others **Respondent**

Mr. B.R. Kyada **Advocate for the Respondent (s)**

CORAM

The Hon'ble Mr. N.B. Patel **Vice Chairman.**

The Hon'ble Mr. V. Radhakrishnan **Member (A)**

JUDGMENT

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

No

Shri Babu Mohan
Gangmate, Gang No.2
Railway Quarters
Railway Station-Chhapi
Tal vadgam, Dist. Banaskantha

Applicant.

Advocate Mr. U.M. panchal

Versus

1. PWI (N) Mehsana
Mehsana (Western Railway)
2. D.R.M. Office,
Rajkot Division
Western Railway
Kothi Compound, Rajkot.
3. Union of India
Notice to be served through
General Manager,
Head Quarter Office,
Western Office, Churchgate,
Bombay.

Respondents.

Advocate Mr. B.R. Kyada.

ORAL ORDER

In

Date: 23-11-1995.

O.A. 414 of 1991

per Hon'ble Shri N.B. patel

Vice Chairman.

7
The applicant challenges the communication (Annexure A-9) dated 10-1-1991 whereby he is informed by the Chief Medical Superintendent, Rajkot that he was examined by the Medical Board at Bombay on 18-12-1990 and the Board had certified that the applicant was not fit for the post of Gangmate Grade B-I which he was then holding but was fit for the post

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3

and

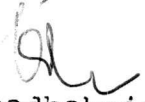
of Gangmate Grade B-2 ~~and~~ his learned advocate Mr. Panchal states that at present the applicant is working on the post of Gangmate Grade B-2.


2. The respondents have resisted the O.A. on the ground that, after the opinion of the Chief Medical Officer, Rajkot, to the effect that the applicant was not fit for holding the post of Grade B-1, the applicant had preferred an appeal and he was got examined by the highest Medical Body, namely, the Medical Board, Bombay, and the examination of the applicant carried out by the Board on 18-12-1990 confirmed that the applicant was not fit for the post of Gangmate Grade B-1 but, at the same time, he was fit for the post ^{of} Grade B-2. The respondents, therefore, say that there is no basis for the applicant to challenge the communication Annexure A-9 dated 10-1-1991 as it is based on the medical opinion ~~of~~ rendered by the highest medical authority, namely, the Medical Board.

3. It appears that the applicant filed the present O.A. because, along with the communication dated 10-1-1991 (Annexure A-9), no certificate of the Medical Board, Bombay, was furnished to him showing that he was not fit for the post of Grade B-1. However, along with the reply the respondents have produced, at Annexure R-2, the report of the Medical Board, Bombay which confirms the fact that the applicant was examined by the Board in the J.R. Hospital, Bombay, on 18-12-1990 and this report records the conclusion of the Medical Board that the applicant

had defective colour vision both on E.G. lamp as well as Ishihara plates and he was, therefore, unfit for medical category B-1 but was fit for medical category B-2. This report shows that there is no ground to challenge the communication, Annexure A-9. The applicant has not taken any further steps in the matter after the above conclusion of the Medical Board.

4. In the result, we find that the applicant has no cause of action to challenge the impugned communication Annexure A-9 dated 10-1-1991. O.A. is therefore dismissed, however, with no order as to costs.


(V. Radhakrishnan)
Member (A)


(N.B. Patel)
Vice Chairman.

*AS.