

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.186/07

Monday this the 23rd day of July 2007

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

P.Sameemudhar,
S/o.Ukkas,
Pathada House, Kadamath Island,
Union Territory of Lakshadweep.

...Applicant

(By Advocate Mr.V.D.Balakrishna Kartha)

Versus

1. Union of India represented by the Administrator,
Union Territory of Lakshadweep, Kavarathi.
2. The Director (Medical & Health Services),
Union Territory of Lakshadweep, Kavarathi.
3. Director of Industries,
Union Territory of Lakshadweep, Kavarathi.
4. Anwar Hussain M.K.,
Malmikakkada House,
Kalpeni Island, Union Territory of Lakshadweep.

...Respondents

(By Advocate Mr.S.Radhakrishnan [R1-3] & Mr.N.Nagaresh [R4])

This application having been heard on 23rd July 2007 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant is a physically handicapped person and is aggrieved that he was not properly evaluated by the medical board regarding his physically disability. It is submitted that the medical board did not contain essential experts like Orthopedic Surgeon or Surgeon to evaluate the correct disability.

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2. Shri.S.Radhakrishnan took notice on behalf of the respondents and sought time to get instructions. When the matter came up today, the counsel submitted on instructions that the proposal of the Union Territory regarding the impugned selection has not been approved by the Government of India and the proposals have been returned by the Government of India, the matter is being re-examined in the light of the Government of India instructions dated 5.1.2001 stipulating that the medical board should consist of Orthopedic experts for evaluating the disability and this matter is now under re-consideration of the respondents. The applicant has also submitted Annexure A-8 representation dated 12.12.2006 stating that he has not been properly evaluated and that respondents should reconsider the matter by constituting medical board with necessary experts. In the circumstances, counsel for the applicant submitted that the application can be disposed of by directing the respondents to consider and dispose of the representation within a fixed time frame.

3. Accordingly, we direct the respondents to consider and dispose of the representation of the applicant at Annexure A-8 in the light of the directions of the Government of India and selection be finalised as expeditiously as possible. The O.A is disposed of. No order as to costs.

(Dated the 23rd day of July 2007)


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

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