

(4)

THE CENTRAL ADMINISTRATIVE TRIBUNAL-LUCKNOW BENCH,  
LUCKNOW.

O.A. NO. 271 of 1990.

Munni Lai & others..... Applicant.

Versus

Union of India & others..... Respondents.

Hon'ble Mr. Justice U.C.Srivastava-V.C.  
Hon'ble Mr. K. Obayya- Member (A).

(By Hon. Mr. Justice U.C.Srivastava- V.C.)

The applicants started their services under respondents no. 2 and they were decasualised in the year 1984 after serving for several years. They were medical examined in 1984 and were screened in 1988-89. Their case is similar to the case of O.A. No. 313/90 Gaya Prasad & others Vs. Union of India and others. According to them they were medically examined in 1987 and without prior show cause notice their services have been terminated vide notices dated 3.9.89 and 9.9.89. According to them they were declared subsequently medically unfit without examining them for other lower category and even without examining them under relaxed medical standard as per standing orders. They have been permitted to perform their duties on 20.7.90. Specific orders for termination of service of applicant no.1 and 3 have been issued while the other applicants have been orally asked not to come. Thus according to them even they have medically been examined and they cannot be examined again and even if they are medically unfit, they cannot be terminated ~~and~~ from the service and they are to be examined for other category. According to the respondents applicant no. 1 was allowed for re-medical examination on his own request, but <sup>he</sup> failed to attend and so was the case of applicant no. 2. In

29.8.90

Hon'ble Mr. D.K.Agrawal J.M.  
 Hon'ble Mr. K.Obayya, A.M.

Heard. Admit. Issue notice to the respondents.  
 Counter affidavit may be filed within eight weeks hereof.  
 Rejoinder affidavit may be filed within two weeks  
 thereafter.

As regards the interim matter, issue notice returnable as to why the interim prayed for be not granted.  
 Listed for hearing on 13.9.90.

Sd/

Sd/

A.M.

J.M.

Sd/

Notice issued  
 Date  
4/9/90

13/9/90  
 Hon. Mr. Justice K. Rath, V.C.  
 Hon. Mr. M.M. Singh, A.M.

Shri D.C.Saxena makes appearance on behalf of respondents. He requests for and is allowed two weeks time to file reply to which the applicant may file rejoinder within one week thereafter.

The case be listed for final hearing on 8/10/90.

M.M.!

V.C.

A.M.

OR  
 Notices were issued on ~~13.9.90~~  
4/9/90  
 Neither reply nor any answer  
 reqd. copy has  
 been return back  
 Submitted to  
 order along with on  
271/90 L  
 CM 520/90(L)  
 is also pending

② M. filed today  
20/9 12/9

R

8.10.90

No setting Adm to 20.12.90

20.12.90

No setting Adm to 19.3.91

R

R

(51)

THE CENTRAL ADMINISTRATIVE TRIBUNAL-LUCKNOW BENCH,  
LUCKNOW.

O.A. NO. 271 of 1990.

Munni Lal & others..... Applicant.

Versus

Union of India & others..... Respondents.

Hon'ble Mr.Justice U.C.Srivastava-V.C.  
Hon'ble Mr. K. Obayya- Member (A).

(By Hon.Mr.Justice U.C.Srivastava- V.C.)

The applicants started their services under respondents no. 2 and they were decasualised in the year 1984 after serving for several years. They were medical examined in 1984 and were screened in 1988-89. Their case is similar to the case of O.A. No. 313/90 Gaya Prasad & others Vs. Union of India and others. According to them they were medically examined in 1987 and without prior show cause notice their services have been terminated vide notices dated 3.9.89 and 9.9.89. According to them they were declared subsequently medically unfit without examining them for other lower category and even without examining them under relaxed medical standard as per standing orders. They have been permitted to perform their duties on 20.7.90. Specific orders for termination of service of applicant no.1 and 3 have been issued while the other applicants have been orally asked not to come. Thus according to them even they have medically been examined and they cannot be examined again and even if they are medically unfit, they cannot be terminated ~~and~~ from the service and they are to be examined for other category. According to the respondents applicant no. 1 was allowed for re-medical examination on his own request, but <sup>he</sup> ~~they~~ failed to attend and so was the case of applicant no. 2. In

1984 they were found medically unfit and have managed to continue to service with the help of Asstt. Superintendent.

2. Similar matter came up for consideration before us in O.A. No. 29/92 & 31/92, and in this case also the applicants are prepared to offer themselves for medical examination. Let the applicants be medically examined again within a period of three months from today and may be provided an alternate job, in case they are medically unfit for the category, in which they were working.

3. As both the parties are responsible to some extent, the respondents to decide the intervening period as to whether the applicant should be granted leave without pay or the entire period should be treated as dies-non. In case they are continued in service, it is open for the respondents to declare the entire period beyond the date of memo was served as dies-non. The application is disposed of finally in these terms. No order as to the costs

  
Member (A)

  
Vice Chairman.

Dt: June 25, 1992.  
(DPS)