

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 18-1-88

APPLICATION NO

37

/ 88(F)

W.P. NO.

Applicant

Shri Hasansab Nadaf

To

v/s

The Divisional Personnel Officer, S.C. Rly,  
Hubli & another

1. Shri Hasansab Nadaf  
C/o Shri G. Shantappa  
Advocate  
1849, 1st Floor  
'D' Block, 2nd Stage  
Rajajinagar  
Bangalore - 560 010

2. Shri G. Shantappa  
Advocate  
1849, 1st Floor  
'D' Block, 2nd Stage  
Rajajinagar  
Bangalore - 560 010

Respondent

RECEIVED

Diary No. 1636/CR/88

Date: 19-1-88

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAY/INTERIM ORDER  
passed by this Tribunal in the above said application on 11-1-88.

R. V. Venkatesh  
DEPUTY REGISTRAR  
(JUDICIAL)

Encl : As above

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 11TH DAY OF JANUARY, 1988

Present:  Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
 and  
 Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 37/1988

Shri Hasanab Nadaf,  
s/o Maliksab,  
aged 34 years,  
Coolie, Railway Station,  
Hubli.

.... Applicant.

(Shri G. Shantappa, Advocate)

v.

1. The Divisional Personnel Officer,  
Divisional Office,  
S.C. Railway,  
Hubli.

2. The Superintendent  
(Medical),  
Railway Hospital,  
South Central Railway,  
Hubli.

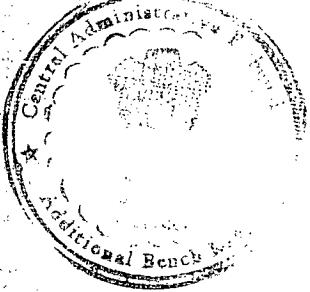
.... Respondents.

This application having come up for hearing to-day, Vice-Chairman made the following:

O R D E R

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. On 28.4.1984 the applicant was selected for the post of Safaiwala in the Hubli Division of the South Central Railway. On an examination of his medical condition, the competent authority declined to appoint him for the said post. In that view, the applicant approached this Tribunal on more than one occasion and in his last Application No.641/87 (F) decided on 11.9.1987 (Annexure A), we directed the Respondents to get the applicant re-examined by another competent medical officer and decide his



case for appointment on such report. In pursuance of the same, a medical board constituted for the purpose, examined the applicant on 25.11.1987 and reported that he was unfit for appointment to the selected post. Accepting the same, the Divisional Personnel Officer (DPO) by his Memo No.H/P407/II/4/DWR dated 15.12.1987 (Annexure E) had declined to appoint the applicant to the selected post. Hence this application.

3. Shri G. Shantappa, learned Counsel for the applicant contends that the competent medical officer had not examined the applicant and the DPO had blindly relied on an earlier report made against the applicant and the same is illegal.

4. In his Memo dated 15.12.1987 the DPO had stated that the applicant was examined by a medical board of the Headquarters Hospital, Lalguda, Secunderabad on 25.11.1987 and was medically found unfit. Without any doubt this medical examination held on 25.11.1987 was in pursuance of the last order made by this Tribunal on 11.9.1987. If that is so then it is difficult to uphold the contention of Sri. Shantappa.

5. We are satisfied that the case of the applicant has been re-examined by the competent medical board and that board had found him unfit for appointment. When a competent medical board had found the applicant unfit for appointment, this Tribunal, cannot examine that decision as if it is a court of appeal and come to a different conclusion. We must not also lose sight of the fact that the fitness or otherwise of a selected person can only be certified by a medical officer and not by any other person. When competent medical officers with their expert knowledge have

found that the applicant was unfit for appointment this Tribunal cannot interfere with their decision and direct the Respondents to appoint the applicant contrary to such medical opinion also. We see no merit in the challenge of the applicant.

6. In the light of our above discussion we hold that this application is liable to be rejected. We, therefore, reject this application at the admission stage without notices to the Respondents.

Sd/-

Vice-Chairman

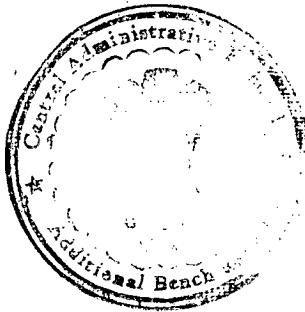
11/11/90

Sd/-

Member (A)

-True Copy-

bsv/Mrv.



R. Venkatesh  
DEPUTY REGISTRAR (JDL) 1871  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE