

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA.1103/92.

date of decision : 29-6-1993

Between

K. Krishna Murthy

: Applicant

and

The Secretary to GOI,
Min. of Personnel, Public
Grievances & Pensions,
Dept. of Personnel & Training
New Delhi

2. The Comptroller and Auditor
General

New Delhi

: Respondents

Counsel for the applicant : Philkhana Rama Rao
Advocate

Counsel for the respondents : N.V. Raghava Reddy
SC for Central Government

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. P.T. THIRUVENGADAM, MEMBER (ADMINISTRATION)

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice-Chairman)

Heard Sri P. Rama Rao, learned counsel for the applicant and Sri N.V. Raghava Reddy, learned counsel for the respondents.

2. The applicant first appeared for Civil Services Examination in 1987. He was called for interview in April, 1988. On the following day of his interview, his medical examination was conducted in Safdarjung Hospital. On 24-6-1988 the applicant was informed that he was temporarily medically unfit. The applicant was not ultimately selected for Civil services in that year.

Personnel and Training, Ministry of Home Affairs, New Delhi to submit that he had taken prompt steps in having the necessary counters.

7. We feel that this is one of the cases where the matter had to be considered expeditiously as the applicant is not in a position to know about his future even though he was selected twice in the Civil Services Examination which were conducted in 1988 and in 1989. Further the applicant filed copies of the letters addressed ~~by him~~ and replies received by him ~~as material papers~~ in support of allegations in the OA.

8. It is evident from the allegations in the OA that when the applicant was again called to appear before the Medical Board, Safdarjang Hospital, in March, 1990, the applicant submitted that he was successful in the 1989 written examination and he would ~~not~~ be again called for interview and also for medical examination and hence he may be permitted to appear for the said ^{medical} examination. After the applicant was interviewed in 1990, he was asked to appear before LNJP hospital for medical examination and accordingly he appeared. So, ultimately the question of ^{medical fitness} ~~evidence~~ of the applicant had to be considered on the basis of his medical examination in LNJP hospital and also the report on the basis of CT Scanning and also the certificate given by Dr. P. Raj Gopal, NIMS, the doctor who conducted the operation for curing TB of the applicant. But there is ~~not~~ reference about the report of LNJP Hospital, in the impugned order. In the OA it was stated that when the applicant contacted the authorities in LNJP hospital, he was informed on telephone that he was found medically fit. Be that as it may, as ultimately, the applicant was permitted to appear for medical examination

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for medical fitness and hence he would appear for that medical examination. In May, 1990, the applicant was asked to appear before the Medical Board in Lok Nayak Jaya Prakash Narain Hospital, (LNJP Hospital), New Delhi. Then he was referred to Dr. Ram Manohar Lohia Hospital for CT Scanning. The authorities of the latter hospital asked the applicant to have the CT Scanning in Hyderabad as that facility was not readily available there. It is stated for the applicant that he had the CT Scanning in Hyderabad on 30-7-1990 and sent that report to LNJP Hospital.

5. As there was no improvement ⁱⁿ the performance of the applicant in 1989 examination, the applicant was informed by a letter dated 24-9-1990 that he was selected for IA & AS ^{examination} Group-A as per 1988 results. But the applicant was informed by letter dated 7-5-1991 as under :

"I am directed to refer to the correspondence pending with your letter dated 7th September, 1990 and to say that Central Standing Medical Board at Safdarjung Hospital after scrutinizing all the documents/reports submitted by you, have again come to the conclusion that you are unfit for appointment to a service due to Malignant Neoplasm of Lung. Accordingly you have been declared unfit for all services on the basis of the Civil Services Examination held in 1988.

2. In view of the findings of the Medical Board, referred to above, your candidature for the Civil Service Examination 1988 is hereby cancelled.

3. Please find enclosed herewith documents and chest CT Scan submitted by you."

the same is assailed in this OA.

6. This OA is presented on 21-9-1992 and registered on 21-12-1992. Inspite of the repeated adjournments the counters were not filed. Sri N. V. Raghava Reddy, learned counsel for the respondents produced copies of registered letters dated 25-3-1993 and ^{letter dated} 16-4-1993 sent under certificate of posting to the Under Secretary to Govt. of India, Deptt. of

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To

1. The Secretary to GOI, Min. of Personnel, Public Grievances & Pensions, Dept. of Personnel & Training, New Delhi.
2. The Comptroller and Auditor General, New Delhi.
3. One copy to Mr. Philkhana Ramarao, Advocate, CAT. Hyd.
4. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC. CAT. Hyd
5. One copy to Library, CAT. Hyd.

6. One spare copy.

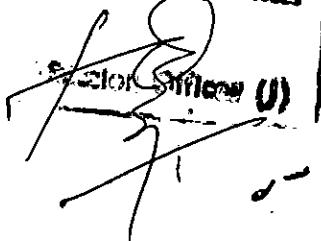
7. One copy to Mr. K. Krishna Murty, Applicant

pvm
90 Mr. Philkhana Ramarao Advocate
Road No: 3 Castle Hills, Hyd - 500 457.

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Justice Shrivastava (J)

after the interview in 1990 instead of again reporting before the medical board in Safdarjung hospital in March, 90, and when he was asked to appear before the medical board in LNJP hospital after the interview in 1990, it is reported of the medical board of LNJP Hospital which has to be considered in order to determine as to whether the applicant is medically fit or not. But unfortunately the impugned order was issued without verifying from the medical board of LNJP hospital. Thus, there is serious infirmity in the impugned order ^{and} as such it is liable to be set aside. The respondents ^{have} ~~had~~ to address the medical board of the LNJP hospital about the report ^{in regard to} ~~on~~ the medical examination of the applicant, and then appropriate orders have to be issued.

9. It is stated that the training for those who were selected on the basis of Civil Services examination ^{held in 1992} will be commenced in August, 1993. Hence, we feel that it is just and proper to require R-1 to immediately ^{contact} ~~contact~~ the medical board of LNJP Hospital for the report about the medical fitness of the applicant on the basis of the medical examination conducted on 2-7-1990 and the subsequent reports produced and if the applicant is found medically fit, ^{the} ~~needless~~ ^{have} ~~may~~ the following steps ^{in time} be taken expeditiously so as to enable the concerned authorities to inform the applicant to report for the training in this year so as to see that there may not be any need for the applicant to waste one more year. It is needless to say that in case the applicant is appointed on the basis of his performance in 1988 examination he will be entitled to seniority of ~~the batch of~~ that batch as per rules. OA is ordered accordingly. No costs.

CERTIFIED TO BE TRUE COPY

Date..... 30/6/92
 Court Officer
 Central Administrative Tribunal
 Hyderabad Bench
 Hyderabad.