

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 1587/93

Dt. of Decision : 23.12.93

A. Ramuju Rao

. . Applicant

Vs

1. The Controller General of
Defence Accounts,
West Block-V,
R.K. Puram,
New Delhi - 110 066.

2. The Controller of Defence Accounts,
(ORs), Bangalore, Kamaraj Street,
South Bangalore-560 001.

. . Respondents.

Counsel for the Applicant : Mr.C.P. Sarathy

~~_____~~
Addl. CGSC.

CURAM:

THE HON'BLE JUSTICE SHRI V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI B. RANGARAJAN . MEMBER (ADMIN)

P-2
TM

OA.1587/93

Judgement

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

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

2. The applicant is working as Senior Accounts Officer in the office of PAO(ORs)EME, Secunderabad,

3. The applicant was involved in an accident. The applicant sustained injuries when he had fallen from scooter and now he is going on crutches. The Additional CGDA (Controller General of Defence Accounts) referred the applicant for medical examination as per letter dated 11-9-93. The Regional Medical Board of Gandhi Hospital, Secunderabad, to which the applicant was referred to had given report to the effect that the applicant is completely and permanently incapacitated for further service in the Department. Thereupon a memorandum dated 2-12-1993 was issued by R-1 informing the applicant that it was proposed by the competent authority to retire him from service on account of total and permanent invalidation for further service in the Department. He was also informed thereby that his retirement will have effect on expiry of period of one month from the date of communication of the said letter unless he desires to retire from an earlier date. The applicant was also informed by the said letter that if he so desires he can make a request within a period of one month for being examined by Medical Review Board duly supported by prima-facie evidence that good grounds exist for doing so.

x

To

1. The Controller General of Defence Accounts,
West Block-V, R.K.Furam, New Delhi-66
2. The Controller of Defence Accounts, (DRs),
Bangalore, Kamaraj Street, South Bangalore-1.
3. One copy to Mr.C.P.Sarathy, 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.

pvm

33

4. When there is a provision for review by the Medical Review Board, the applicant had to first make a request for examination by a Medical Review Board if he feels that the Regional Medical Board had not ~~come to~~ the right conclusion. In view of the said alternative remedy, this OA has to be dismissed.

5. It is submitted that the report of the Regional Medical Board of Gandhi Hospital, Secunderabad, was not furnished to the applicant and hence he ~~was~~ not in a position to prepare grounds for being placed before the Medical Board. So, R-1 is directed to furnish copy of the report of the Regional Medical Board of Gandhi Hospital ^{referred to} in the impugned letter dated AN/11/2605/93 dated 2-12-1993. The applicant had to make a request as referred to in para-4 of the impugned letter dated 2-12-93 within one week from the date of receipt of that Medical Board report or within one month after the date of receipt of the impugned letter ~~whichever is later~~. If such a request is made and if the case of the applicant is going to be referred to the Medical Review Board, the applicant shall not be discharged from service till the Medical Review Board gives its report. If the said report is going to be adverse to the applicant, ~~he~~ should not be discharged till expiry of one week from the date of receipt of the ~~report~~ ^{be issued by} to R-1 ~~passing~~ on such report. It is needless to say that if the applicant is going to be aggrieved by the report of the Medical ^{Review} Board, he is free to approach this Tribunal.

6. The OA is ordered accordingly at admission stage. No costs.

(R. Rangarajan)
Member (Admn)

(V. Neeladri Rao)
Vice Chairman

Dated : December 23, 93
Dictated in the Open Court

sk

24/12/93
Deputy Registrar (J)

cc by 23/12/93

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER(J)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER(A)

Dated: 23-12-1993

~~ORDER/JUDGMENT:~~

~~M.A/R.A/C.A.No.~~

in

O.A.No.

1587/93

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

Central Administrative Tribunal
DESPATCH
24 DEC 1993
HYDERABAD BENCH

23/12