

16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
---

C.P. No. 41/94

Dt. of Decision : 28.7.94.

in

M.A. No. 573/94

in

D.A. No. 48/94. and MA-573/94.

Mr. S. Lakshminarayana

.. Petitioner/  
Applicant.

Vs

1. Shri D.C. Misra  
General Manager,  
SC Rly, Rail Nilayam,  
Secunderabad.
2. Dr. K. Suresh,  
Chief Medical Director,  
SC Rly, Rail Nilayam,  
Secunderabad.

.. Respondents/  
Respondents.

Counsel for the Petitioner/

Counsel for the Respondents/  
Respondents.

- M. S. *Chandra Rao*

: Mr. C.V. Malla Reddy,  
SC for Rlys.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

25th  
Am

C.P.41/94  
M.A.573/94  
in OA 48/94

O R D E R

(As per the Hon'ble Sri A.V. Haridasan, Member(J) )

The grievance of the petitioner in this C.P. is that while the Tribunal in its final order directed the constitution of a fresh Medical Board and Examination of the applicant by the Board, bearing in mind the opinion experts of NIMS, the ~~second medical board constituted pursuant to~~ the above directions has reached the same conclusion as the first Medical Board and in that process the opinion of the experts of NIMS was not taken into account at all. This, according to the petitioner amounts to a wilful ~~defiance~~ *defiance* of the directions contained in the judgement which renders ~~the respondents liable for contempt~~ of Courts Act. With this averments that the CP has been filed. An additional affidavit has been filed ~~in~~ which some further details are given.


2. Sri S. Ramakrishna Rao, appeared for the petitioner and Sri C.V.Malla Reddy, SC for Railways appeared for the respondents.

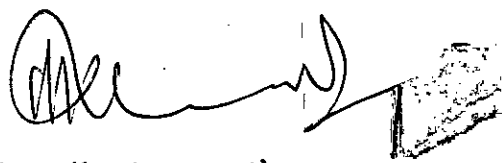
3. We have perused the CP and additional affidavit and the other material papers. We have heard the counsel for both the parties. On perusal of the material record, we find that the respondents have substantially complied with the direction in the judgement and that there is no reason to believe that there has been any intention to ~~defy~~ *defy* the orders of the Tribunal. The learned counsel for the petitioner submits that the fact that the Medical Board

2nd P.  
Pz

(18)

has not discussed the opinion given by the experts of NIMS shows that the above opinion was not taken note of. This arguments does not merit serious consideration because <sup>the</sup> direction was only to form an opinion and in doing so to take into account the opinion of the experts of the NIMS not to discuss in detail the opinion and to give reason ~~for~~. If a different view is taken. ~~while~~ making a report is not expected to write the pros and cons as in a judgement by a judicial forum. Therefore, on a consideration the material <sup>on</sup> record we do not find any reason to initiate proceedings under the Contempt of Courts Act against the respondents. The C.P. is therefore dismissed. The MA also stands dismissed

  
(A.B. Gorthi)  
Member(A)

  
(A.V. Haridasan)  
Member (J)

Dt. 28-7-94  
Open Court dictation

  
DEPUTY REGISTRAR(J)

kmv

Copy to:

1. Sri D.C. Misra, General Manager, South Central Railway, Railnilayam, Secunderabad.
2. Dr. K. Suresh, Chief Medical Officer, South Central Railway, Railnilayam, Secunderabad.
3. One copy to Mr. S. ~~Rama Krishna Rao~~, Advocate, CAT, Hyderabad.
4. One copy to Mr. C.V. Malla Reddy, SC for Railways, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

YLKR

3rd page  
P. 2/8/94