

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

DA 1081/95.

Dt. of Order: 21-3-96.

P.Jeeva Ratnam

... Applicant

Vs.

1. Assistant Mechanical Engineer,  
Rajamundhry Loco Shed, Vijayawada  
Division, S.C.Railway, Rajamundhry,
2. Divisional Railway Manager,  
Vijayawada Division, SC Railway,  
Vijayawada.
3. General Manager, SC Railway,  
Rail Nilayam, Secunderabad.
4. Chief Medical Superintendent,  
Vijayawada Railway Hospital,  
S.C.Railway, Vijayawada.

... Respondents

— — — —

Counsel for the Applicant : Sri M.C.Jacob for  
Sri B.Narasimha Sarma

Counsel for the Respondents : Sri K.Siva Reddy, SC for RIYS

— — — —

CORAM:

THE HON'BLE JUSTICE SRI M.G.CHAUDHARI : VICE-CHAIRMAN *helle*

THE HON'BLE SRI H.RAJENDRA PRASAD : MEMBER (A) *8*

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... 2.

DA 1081/93.

Dt. of Order: 21-3-96.

(Order of the Division Bench per Hon'ble Justice  
Sri M.G.Chaudhari, Vice-Chairman).

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Sri M.C.Jacob for Sri B.Narasimha Sarma, learned  
counsel for the applicant and Sri K.Siva Reddy, learned  
standing counsel for the Respondents. The applicant who has  
been working as Driver-C did not attend the duty owing to  
sickness and when he reported back to duty on 5-5-94, he  
was not allowed to join the duty. According to the respondents,  
the period of sickness exceeded 90 days, the applicant  
was required to undergo medical test. He was examined at the  
Railway Hospital, Vijayawada and ~~expended~~ a report was made on  
19-1-95. He was further examined at Lalaguda Railway Hospital  
on 5-4-94. The concerned ENT Doctor advised Surgery as it was  
found that there was some impairment <sup>in hearing</sup> of the ear faculty of the  
applicant. He was referred thereafter to CMS, Vijayawada and  
his Audiogram was tested. As it was found that still there was  
noted hearing loss, he was advised by the DME (Power) at  
Bezwada Special Medical with GMM.3. According to the reply  
of the respondents the applicant had not attended the Railway  
Hospital at Vijayawada for that Special Medical test. Hence  
according to them the ~~sick~~ case of the applicant has not been  
disposed-off.

1. The reply has been filed today. The applicant <sup>does</sup> not  
desire to file a Rejoinder. The learned counsel for the appli-  
cant submits that <sup>The applicant</sup> ~~The respondent~~ submits that the applicant had

*[Signature]*

.... 3.

not been intimated that he was required to attend the Railway Hospital for the Special Medical test of G.M.3 as is stated by the Respondents in their reply. The mere denial is not sufficient and it will not need investigation as to whether the applicant was informed that he was required to attend the special medical test or not. We do not accept the Respondents' proposal to adjourn the life of this application for that purpose. We are satisfied that following order will meet the ends of justice :-

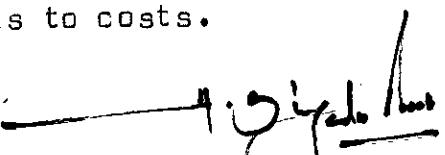
(i) The applicant is permitted to attend the Railway Hospital at Bezawada for Special Medical test with G.M.3. For that purpose he may report to the CMO at Railway Hospital Vijayawada within a period of one month from today;

(ii) The Respondents are directed that they shall cause the Special Medical Test with G.M.3, as soon as the applicant reports, ~~as per~~ <sup>to be held</sup> above clause within a stipulated time;

(iii) The Respondents shall dispose of the matter in the light of the test report and give suitable directions to the applicant on the question of joining the duty or otherwise. The decision to be taken within 15 days from the date of the special test held with G.M.3.

3. Subject to above directions, O.A. disposed of finally.

No order as to costs.

  
(H. RAJENDRA PRASAD)  
Member (A)

  
(M.G. CHAUDHARI)  
Vice-Chairman

Dated: 21st March, 1996.  
Dictated in the Open Court.

  
Amulya  
M-386

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To

1. The Assistant Mechanical Engineer,  
Rajamundry Loco Shed, Vijayawada Division,  
SC Rly, Rajamundry, East Godavari Dist.
2. The Divisional Railway Manager,  
Vijayawada Division, SC Rly, Vijayawada.
3. The General Manager, SC Rly,  
Railnilayam, Secunderabad.
4. The Chief Medical Superintendent,  
Vijayawada Railway Hospital, SC Rly  
Vijayawada
5. One copy to Mr. Marasimha Sarma, B. Advocate, CAT.Hyd.
6. One copy to Mr. K. Siba Reddy, SC for Rlys, CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pvm.

*J*  
*2/2/95*  
I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

*M.G. Chowdhury*  
THE HON'BLE MR.JUSTICE V. ~~NEELADRI~~ RAO  
VICE CHAIRMAN

AND  
*H. Rajendra Prasad*  
THE HON'BLE MR. R. RANGARAJAN : M(A)

Dated: 21-3-1996

~~ORDER~~ JUDGMENT

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

in

O.A.No. 1081/95

T.A.No. (w.p.No.

Admitted and Interim direction  
issued.

Allowed.

Disposed of with direction.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

*No 8/95*

