

(90)

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

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

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

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CORAM:

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

THE HON'BLE SRI H.RAJENDRA PRASAD : MEMBER (A) *9*

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(21)

DA 1080/93.

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 ~~reported~~ 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 ⁱⁿ ^{hearing} ~~on~~ 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
Bezawada Special Medical with G.M.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 ~~xxx~~ case of the applicant has not been
disposed-off.

2. The reply has been filed today. The applicant ^{does} ~~is~~ not
desire to file a Rejoinder. The learned counsel for the appli-
cant submits that ^{the applicant} ~~the applicant~~ ~~submits that the applicant~~ had

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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} ~~suffice~~ and it will ~~not~~ need investigation as to whether the applicant was informed that he was required to attend the special ^{or not} ~~process to prolong 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;

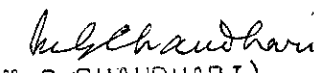
(ii) The Respondents are directed that they shall cause the Special Medical Test with G.M.3, ^{to be held} as soon as the applicant reports, ~~above clause~~ within ^{the} a stipulated time;

(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.


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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. Narasimha 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.

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

M.G. chavdhary,

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

AND

H. R. Jendraprasad

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.E.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 Sp

