

22

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1224/96

DATE OF ORDER : 15-10-1996.

Between :-

P.Jeevaratnam

... Applicant

And

1. Assistant Mechanical Engineer,
Rajamundry Loco-shed, Vijayawada
Division, SC Rly, Rajamundry,
East Godavari District.
2. Divisional Railway Manager,
Vijayawada Division, SC Rlys,
Vijayawada.
3. General Manager, SC Rlys,
Rail Nilayam, Sec'bad.
4. Chief Medical Superintendent,
Vijayawada Railway Hospital,
Vijayawada.
5. Senior D.P.O.,
S.C.Rlys, Vijayawada.

... Respondents

--- --- ---

Counsel for the Applicant : Shri K.S.Murthy

Counsel for the Respondents : Shri N.R.Devaraj, SC for Rlys

--- --- ---

CORAM:

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

--- --- ---

... 2.

23

- 2 -

(Orders per Hon'ble Justice Shri M.G.Chaudhari, Vice-Chairman).

-- -- --

Shri K.S.Murthy for the applicant. Shri N.R.Devaraj for the respondents. We have heard at length. No cause of action is disclosed since the only relief sought is in respect of a direction to appear at a screening test. Unfortunately the basis on which the action is taken viz., medical decategorisation is not challenged. The grievance of the applicant is that since the respondents have not supplied him the medical report the decategorisation effected is illegal and he is also denied ^{the} right to appeal against that decision. We may very well appreciate that there is a case for the applicant but it is not the case set out in the application. No relief can be ^{considered} asked in the application/either to dispose of the appeal or to direct them to entertain the appeal to be filed by the applicant. The applicant's contention that without the reports being supplied, he is unable to file appeal also does not arise on the ^{frame of} relief sought in this O.A. We have repeatedly suggested to the learned counsel for the applicant in the absence of a substantive relief claimed which we are willing to ^{that} ^{consider} hearing, the O.A. of the present nature merely seeking stay of the direction to appear at the screening test cannot be entertained. Under the circumstances we are not inclined to grant stay of the impugned order dt.23-9-96. We however make it clear that the applicant's appearing at the screening test will be without prejudice to his right to challenge substantially ^{the} action of the respondents if it is adversely ⁱⁿ affects him or has denied his legitimate legal right. Once the stay is refused, there is nothing to retain the O.A. Hence

....3.

hull

20

the Original Application is dismissed. No order as to costs.

Leave to file substantive OA. No order as to costs -

H.R. Rajendra Prasad
(H.RAJENDRA PRASAD)
Member (A)

M.G. Chaudhary
(M.G.CHAUDHARI)
Vice-Chairman

Dated: 15th October, 1996.

Dictated in Open Court.

Deputy ^{Amrit} ^{Govt.} Registration Office

av1/

25

O.A.1224/96.

To

1. The Assistant Mechanical Engineer,
Rajahmundry Loco-Shed, Vijayawada Division,
SC Rly, Rajahmundry, E.G.Dist.
2. The Divisional Railway Manager,
Vijayawada Division, SC Rlys,
Vijayawada.
3. The General Manager, SC Rlys,
Railnilayam, Secunderabad.
4. The Chief Medical Superintendent,
Vijayawada Railway Hospital, Vijayawada.
5. The Senior D.P.O. SC Rlys, Vijayawada.
6. One copy to Mr.K.S.Murthy, Advocate, CAT.Hyd.
7. One copy to Mr.N.R.Devraj, SC for Rlys. CAT.Hyd.
8. One copy to Library, CAT.Hyd.
9. One spare copy.

pvm.

9/11/96

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 15-10-1996

ORDER / JUDGMENT

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

in

O.A.No. 1224/96.

T.A.No.

(w.p.)

Admitted and Interim Directions

Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय प्रशासनिक अधिकार अधिकारी
Central Administrative Tribunal

प्रेषण/DESPATCH

18 NOV 1996

हैदराबाद व्याख्यात
HYDERABAD BENCH