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IN THE CERNTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..
O.A.No. 567 of 1997.
- - - - -

Date of decision: 6th May, 1997.
- - - - -

Between:

P. Jeevaratnam. Applicant.
and

1. Divisional Railway Manager,
Vijayawada Division, S.C.Railways,
Vijayawada.
2. Chief Medical Director,
South Central Railways,
Secunderabad
3. Chief Medical Superintendent,
Vijayawada Railway Hospital,
Vijayawada. Respondents.

Counsel for the applicant: Sri K.S.Murthy.

Counsel for the Respondents: Sri N.R.Devraj, Standing
counsel for the Central
Government.

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J)

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JUDGMENT.

(as per Hon'ble Shri M. Rangarajan, Member (A))

The applicant is a Driver "C". He filed
O.A.No.1081/95 on the file of this Bench which was
decided on ~~22-2-96~~ 21-3-1996. As per the directions
in that O.A., the applicant was directed to attend the
Railway Hospital at Bézwada for special Medical test

with G.M. 3. It is stated that the applicant ~~failed~~ failed in that Medical Test conducted in pursuance of the direction in O.A.1081/95. In the meantime by the Order dated 15--10--1996 in O.A.No.1224/96 this Tribunal had directed the applicant to appear for the screening test without his prejudice to challenge ~~the~~ substantially the action of the respondents if it adversely affects him. However, this direction is not very material in this case. The applicant applied for re-medical examination by his representation dated 19--11--1986 (Annexure ~~Art.~~ III to the O.A.) ^{Art} and followed by Annexure IV dated 17-3-1997 to the O.A., by way of a reminder. It is stated that his case has been referred to the Headquarters Hospital for re-medical examination and the applicant submits that no action has been taken for re-medical examination. The applicant states that the date of re-medical examination ^{later} was intimated to him ~~later~~ after the date of re-medical examination ^{had} ~~was~~ expired. Hence, he submits that he could not attend the re-medical examination.

This O.A., is filed for a direction to the respondents to order for re-medical examination of the applicant.

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The learned counsel for the respondents submits that the applicant is evading to appear for the re-medical examination, even though he was informed about it. In case, he received intimation for re-medical examination late, he should have approached the Authorities ~~as~~ ~~for~~ requesting them to fix a suitable date instead of rushing to this Tribunal. The learned counsel for the respondents, however, states that the applicant did not ~~though~~ attend the screening test. The learned counsel for the respondents states, that though the applicant did not appear for the screening test, he was offered Group "D" post which he refused to accept even though it is not material for consideration in this O.A.

In the above circumstances, the following direction is given:

"The 2nd respondent is directed to fix ~~as~~ ^{with} a suitable date for re-medical examination of the applicant and inform the applicant at least ten days ahead of that date."

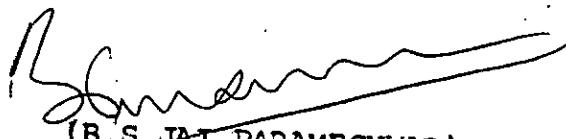
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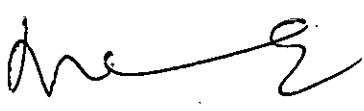
With the above direction, the O.A., is
disposed of at the admission stage itself.

No costs.

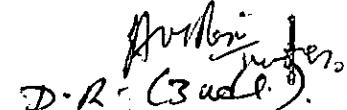

(B.S. JAI PAPAMESHWAR)

MEMBER (T)

S.B.M.


(R. RANGARAJAN)

MEMBER (A)


D.R. (3 ad l.)

Date: 5--5--1997.

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Dictated in open Court.

SSS.

Copy to:-

1. Divisional Railway Manager, Vijayawada Division, S.C. Railways, Vijayawada.
2. Chief Medical Director, S.C.Rly, Secunderbad.
3. Chief Medical Superintendent, Vijayawada Railway Hospital Vijayawada.
4. One copy to Sri. K.S.Murthy, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Deputy Registrar(A), CAT, Hyd.
7. One spare copy.

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

R. Rangarajan A.M
THE HON'BLE MR. JUSTICE
VICE CHAIRMAN

B.S. Joshi parameshwar T.M
THE HON'BLE MR. H. RAJENDRA PRASAD: M.R.A)

Dated: *6/5* -1997

ORDER/JUDGMENT

M.R./R.A./C.A.NO.

in

O.A.No. *567/97*

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

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions.

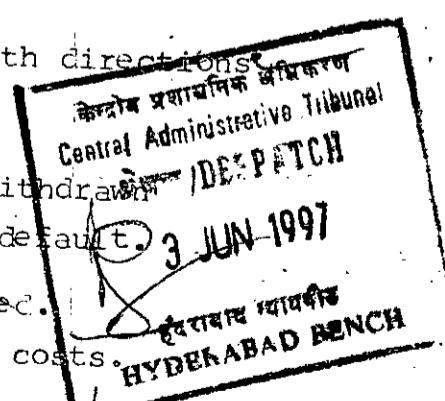
Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.



pvm

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