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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.572/97

dt.8-5-97

Between

A.S. Babu

: Applicant

1. Commandant
Air Force Academy
Dundigal
Hyderabad 43

2. M. Mahapatra, Sqn.Ldr.
Officer incharge, Civil Admn.
AFA, Dundigal, Hyderabad-43

3. R.S. Saini, Flt.Lt.
Officer i/c, Civil Admn.
AFA, Dundigal, Hyderabad

4. Sangeeta G. Nair, Fg. Offr.
Officer i/c, Civil Admn.
AFA, Dundigal, Hyderabad

5. B.G. Raj Kumar, O/s Gde.I
Civil Admn., AFA, Dundigal
Hyderabad

6. The Office Supdt. Gr.I
Civil Admn., AFA, Hyderabad-43

: Respondents

Counsel for the applicant

: C. Suryanarayana
Advocate

Counsel for the respondents

: V. Rajeswara Rao
Addl. CGSC

CORAM

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)



Judgement

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.)

Heard Sri C. Suryanarayana for the applicant and
Sri V. Rajeswara Rao for Respondent-1.

1. The applicant is a Stenographer Gr.I working under the respondent organisation. It is stated that he ^{is suffering from} had a paralysis of vocal cord. The applicant was asked to present himself for medical test by impugned order No. AFA/PF/20168/PC dated 28-4-97 (Annexure-11). He has to present himself before the Superintendent, Gandhi Medical Hospital, Secunderabad, as per that order on 30-4-1997. It is stated that he has not attended that medical test. The applicant further states that it is not required to attend a medical test as he is not sick to present himself before the Medical Board ^{in terms of} as indicated ~~vide~~ Rule 19(3) of CCS(Leave)Rules, 1972 (which is extracted at page-7 of the OA).

2. This OA is filed to set aside the impugned order AFA/PF/20168/PC dated 28-4-97 (Annexure A.11 to the OA) by holding the same as malafide, malicious, illegal, not supported by law or any rule or order and for consequent direction to the respondents not to subject him to the Medical Board and allow ~~but~~ to remain him at Hyderabad during the last few months of his career and enable him to continue to take treatment from the concerned medical authorities. || The applicant is relying on Rule 19(3) of CCS(Leave)Rules, which may not be applicable in this case. However, the respondent authorities have every right to

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send an official for medical test if they so feel in the interest of the administration. This Bench has taken this view in some other OAs also. Hence, we do not find any thing irregular if he is asked to be present himself before the Medical Board by the impugned order dated 28-4-97.

3. The applicant fears that on the basis of report of the Medical Board his services may be terminated. But nothing could be stated in this connection at this juncture. However, the learned counsel for the applicant *made two submissions* ~~submits two points~~ :

i) The applicant was found fit for promotion to the higher grade and the list containing his name for promotion was circulated and he has also signed that list as having seen that proceeding. The very fact that he is found fit for promotion shows that he is fit for promotion even in the present post.

ii) The applicant has got only 16 months of service and hence terminating his ~~services on~~ Medical ground is not warranted as there is no adverse remarks in regard to his working in the present section as well as in the previous section.

4. The learned counsel for the respondents submitted that the applicant is not able discharge his duties because of paralytic attack. The learned counsel also brought to my notice a letter dated 18-9-95 addressed to the respondent by the applicant wherein ~~wherein~~ it is stated that he suffered a paralytic stroke on 1-12-1993 due to which he lost his speech/typing which are very

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much essential for the post of a Stenographer. On the basis of the letter, the learned counsel for the respondent submits that he has been sent for Medical test to examine his fitness to continue ^{him} in the present post. Even earlier he was asked to present himself on 31-3-1997, which was also refused by the applicant. The present direction is also been not complied with by the applicant to appear before the Medical Board.

5. Considering the facts and circumstances of the case a further opportunity should be given to the applicant fixing a date for appearing before a Medical Board. That intimation should be given to him atleast 15 days in advance of the scheduled date on which the applicant has to report before the Medical Board.

6. A copy of the report of the Medical Board should be handed over to the applicant soon after it was received from the Medical authorities. If on the basis of the medical report if it was contemplated to terminate his services that ^{order of termination} should not be issued before expiry of one month from the date of issue of medical report to the applicant. The applicant is free to represent his case if he so desires ^{to the concerned authorities}.

7. With the above observation the OA is disposed of at the admission stage itself. No costs.



(R. Rangarajan)
Member (Admn.)

Dated : May 8, 97
Dictated in Open Court

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Ar. B. R.
D.R. (5)

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Copy to:

1. The Commandant, Air Force Academy,
Dundigal, Hyderabad.
2. One copy to Mr. C. Suryanarayana, Advocate, CAT, Hyderabad.
3. One copy to Mr. V. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
4. One copy to D.R(A), CAT, Hyderabad.
5. One duplicate copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.R. NAGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M(J)

DATED: 8/5/97

ORDER/JUDGEMENT

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

in

O.A.No. 572/97

ADMITTED INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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II COURT

A/c comd of

