

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR

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Date of order: 20-11-1996

OA No. 185/1996

Mukesh Kumar Srivastava S/o Shri J.B.Lal, aged about 36 years, resident of 6/3-G/47 Shastri Nagar, Transport Nagar, Agra (U.P.) at present employed on the post of Senior Clerk in the office of C.T.C., Idgah, Agra.

.. Applicant

Versus

1. Union of India through General Manager,  
Western Railway, Churchgate, Bombay.
2. Chief Medical Superintendent,  
Kota Western Railway.
3. Chief Medical Director,  
Jagjiwan Ram Hospital,  
Western Railway, Bombay Central,  
Bombay.
4. Divisional Railway Manager,  
Western Railway, Kota Division,  
Kota.
5. Chief Telecommunication Inspector,  
Western Railway, Idgah, Agra.

.. Respondents

Mr. Shiv Kumar, counsel for the applicant  
Mr. Manish Bhandari, counsel for the respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. S.C.Vaish, Administrative Member

O R D E R

Per Hon'ble Mr. S.C.Vaish, Administrative Member

Shri Mukesh Kumar Sharma, applicant is an employee of the respondent railways as Senior Clerk. He is a medically handicapped person. He has come to the Tribunal against an order of the respondents dated 13-3-1996 by which he has been directed to

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appear before the medical authorities at Bombay.

2. We have heard Shri Shiv Kumar for the applicant and Shri Manish Bhandari for the respondents and examined the records. With the consent of both the parties, this OA at admission stage has been taken up for final hearing. The respondents have contested the application and have filed their reply.

3. The case of the applicant is that in pursuance of a direction of the Tribunal dated 17-10-94 in OA No. 479/92, the applicant had to appear for a medical test. The applicant claims that he has already appeared for such a medical test and now the respondents have only to examine the records and prepare a report and give their opinion. The respondents have contested this claim and they have averred that the earlier examination was not completed and hence the applicant is being sent to the medical authorities at Bombay for further examination.

4. We are of the view that a person in public service has to satisfy the condition of medical fitness. In this case the applicant being an handicapped person will have to satisfy the conditions as an handicapped person. We do not see any reason for restraining the respondents from completing the medical examination. The applicant need not have any apprehension that this continued medical examination will not be fair or will put to him to any disadvantage. As he is an handicapped person, we direct the respondents to give him necessary facilities to go from Kota to Bombay and to stay at Bombay and for his return journey and also give him an attendant, if necessary. The application is disposed of with the above observation. No costs.

*S.C. Vaish*  
(S.C. Vaish)  
Administrative Member

*G.K. Khan*  
(Gopal Krishna)  
Vice Chairman