

**Central Administrative Tribunal
Principal Bench**

OA- 3875/2012

Order Pronounced on: 11.09.2018

Order Reserved on: 14.09.2018

Hon'ble Ms. Nita Chowdhury, Member (A)

Hon'ble Mr. S.N. Terdal, Member (J)

Shri Karanvir Singh,
S/o Sh. Satya Pal Singh,
R/o D-138, Gali No.2, D Block,
Pratap Nagar, Saboli,
Delhi-93

-Applicant

(None)

Versus

Government of NCT of Delhi: through

1. Chief Secretary,
Delhi Government Secretariat,
New Delhi
2. Chairman-cum-Managing Director,
Delhi Transport Corporation (DTC)
Government DTC Delhi,
IP Estate, New Delhi
3. Managing Director,
Delhi Transport Corporation,
Govt. of NCT of Delhi,
IP Estate, New Delhi

- Respondents

(By Advocate : Mr. Ajesh Luthra)

ORDER

Ms. Nita Chowdhury, Member (A):

On the previous date, i.e, 07.09.2018, nobody appeared for the applicant. Today also, there is no representation on behalf of the applicant even in the

revised call. We thus proceed to dispose of this OA in terms of Rule 15 of CAT (Procedure) Rules, 1987.

2. The applicant has filed this OA, praying for the following reliefs:-

“This this Hon’ble Tribunal may be graciously pleased to allow this application and direct the respondents to constitute a special Medical Board of three doctors as per notification of the Ministry of Health and the judgment of the Hon’ble High Court in which a doctor from All India Institute of Medical Sciences Hospital and/or a doctor from Shri Guru Tegh Bahadur Hospital also included to reconcile the contradiction which is coming in the way of appointment of the applicant.

(i) That this Hon’ble Tribunal may be further pleased to direct the respondents to constitute the Medical Board as stated in para above within a specified period and in case the contention of the applicant is found to be corrected he should be given all the consequential benefits.

(ii) This Hon’ble Tribunal may be further pleased to grant any further relief which this Hon’ble Tribunal may deem fit and proper under the circumstances with the case.

(iii) To grant costs of the proceedings also be awarded to the applicant.”

3. It is the case of the applicant that despite the directions of this Tribunal in his earlier OA No. 1123/2012, the respondents have failed to constitute an independent Medical Board for re-medical examination of the applicant and passed the impugned order dated 11.10.2012 declaring him medically ‘unfit’.

4. Opposing the OA, the respondents have filed their reply, in which it is categorically submitted that Dr. A.K. Moghe (GDMO) was nominated by the Govt. of NCT of Delhi as member of the independent Medical Board and Dr. S.P. Gupta, DTC Chief Medical Officer was other member of the Board as nominated by the respondent corporation and so far as nomination of third Doctor is concerned, it is submitted that the third doctor (an Eye Specialist) was also nominated by the Govt. from Guru Nank Eye Centre to conduct the re-medical examination of those DSSSB drivers who were declared medically unfit to deformity of Eye vision along with on DTC Doctor (CMO). It is, therefore, submitted that since this matter pertains to measurement of height only, the non-presence of the Eye Specialist (as third member) is of no avail to the applicant. Accordingly, when the applicant appeared for re-medical examination on 08.10.2012 before the independent Medical Board, the applicant was again found medically 'unfit' for the post of driver due to height being short as per the required standard. This decision was also apprised to the applicant vide memo dated 11.10.2012.

5. Learned counsel for the respondents has also drawn our attention to the order dated 23.08.2018 of this Tribunal which reads as under:-

“Heard both the parties.

Counsel for the respondents fairly submits that even after taking a decision after medical examination of the applicant, the respondents subsequently on 07.06.2017 again invited the applicant for re-medical examination and sent the intimation to him by speed post along with others. However, as per the respondents, the applicant did not appear for the same. Hence, his plea for re-examination has, in fact, been granted to him. Counsel for the applicant states that she is not aware of this situation and seeks an opportunity to consult the applicant.”

List the case on 05.09.2018 just for answer to this query.

6. It is noted that even on the next date of hearing i.e. 05.09.2018, when nobody appeared for the applicant, the Tribunal has passed the following order:-

“Nobody appeared for the applicant. On previous date, the respondents had informed that the applicant’s plea for re-medical examination was allowed and accordingly, the respondents have completed whatsoever actions were required to them. The applicant’s counsel after taking time to consult her client, has not reverted back on the same. It is made clear that matter is fixed on 11.09.2018 and no further opportunity shall be given in this matter.”

7. Today, also, when the matter was taken up, the applicant has neither appeared nor informed whether anything is left to be decided in the matter. Quite clearly, the plea for re-medical examination of the applicant has

been granted by the respondents by inviting him again to appear for the same on 07.06.2017, but the applicant has not turned up for the same nor was he controverted the aforesaid position despite being given many opportunities. In these circumstances, the main relief sought for in this OA with respect to re-medical examination of the applicant has been granted by the respondents. Hence, nothing survives in this OA and the same is, accordingly, disposed of. No costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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