

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.2132 of 2019

Dated this Wednesday, the 14th day of August, 2019

CORAM: R.VIJAYKUMAR, MEMBER (A)
RAVINDER KAUR, MEMBER (J)

Apurv Chauhan, Probationer of IRS (Income Tax)
 at National Academy of Direct Taxes, Chhindwara Road, Nagpur
 S/o Dr. Sunil Chauhan Age 27 yrs.,
 Permanent residential address for the purpose of service of notice:
 R/o T-14, Sector 12 Noida, Gautam Budh Nagar,
 UP 201 301.

- Applicant

(By Advocate Shri A.K.Behera)

VERSUS

1. Union of India, Through its Secretary,
 Department of Personnel & Training, Government of India,
 North Block, New Delhi 110 001.
2. Union of India, Through its Secretary,
 Ministry of Home Affairs (Cadre Controlling Authority for IPS)
 Government of India, North Block, New Delhi 110 001.
3. Central Government Standing Medical Board,
 Lok Nayak Hospital, Through its Chairman, New Delhi 110 002.
4. Standing Appellate Medical Board, Safdarjung Hospital,
 Through its Chairman, New Delhi 110 029. - *Respondents*

ORDER (Oral)

Per : R.Vijaykumar, Member (A)

Heard the learned counsel for the applicant.

2. The learned counsel for the applicant submits that during the last hearing held on 24.07.2019 at Nagpur, the respondents had been directed to file their reply positively within three months and in the interim

period, while this OA was decided, the respondents were directed to allocate the last vacancy for general category candidates but specify the condition that it would be subject to the outcome of the present OA.

3. The learned counsel for the applicant submits for perusal, a copy of the Service Allocation list for the CSE 2018 examination which had been placed on the website and which shows the second candidate allotted to the IPS holding the rank 149 in general category and who is just below the applicant by reference to rank as claimed by the applicant at 148. Further, the last general candidate allotted to the IPS is ranked 235 but no condition has been cited in this regard in accordance with the direction of this Tribunal. However, it is noted against the concluding paragraph (i) of the conclusion of this list persons marked with an asterisk are allotted provisionally pending determination of incomplete medical status, etc. However, the last mentioned general candidate in the IPS does not bear any asterisk to support the need of the respondents to have been compliant to the

although such opportunity for filing a short reply was granted on 20.06.2019 at the time of admission and again on 15.07.2019.

4. The learned counsel for the applicant submits that the matter has acquired urgency because of the above published list and the result would constitute a grave impairment of the career of the applicant. The applicant, in his OA, has produced evidence of the fitness certificate issued by the empaneled hospitals of the respondents following the examinations conducted in 2014, 2015, 2016 and 2017 where he was held to be fit for all services and it was during the examination of 2018 conducted by LNJP Hospital in 2019 that his disability for the IPS was pointed out and this is the subject of present application. The applicant was subsequently examined by the Central Standing Medical Board Safdarjung Hospital on 25.04.2019 and opined that he was unfit for "All India Technical Services". The applicant thereafter approached the AIIMS Department of Orthopedics in his private capacity which has evaluated his functional abilities and mentioned at the end of their certificate

dated 15.05.2019 as follows:-

"These results suggest then is no functional disability and the deformity is non-progressive. There is no contraindication from our side fro him to be taken up for police services."

5. The learned counsel for the applicant submits that of the seven hospitals empaneled by the respondents for the purpose of such medical examination, he has been seen by six hospitals over the past years and only one hospital remains i.e. RML hospital at New Delhi. It is also noted above in the course of the proceedings that despite notice issued on 20.06.2019 to respondents to file short reply on the interim relief sought, no response has come till date.

6. Shri R.R.Shetty, learned Standing Govt. counsel appeared on telephonic request made by of Shri R.G.Agarwal today morning without any supporting document or any information regarding the case. He strongly objected to the grant of interim relief on re-medical examination pending reply from the respondents.

7. However, in the interests of justice, it would be appropriate to direct the respondents to immediately arrange to

conduct a re-medical examination of the applicant by a competent Medical Board preferably other than LNJP Hospital, Safdarjung Hospital, and the AIIMS, New Delhi who examined the applicant in 2019. Accordingly, the respondents are directed to conduct a re-medical examination of the applicant at the empaneled RML Hospital. Such examination shall be completed in accordance with rules laid down within a period of two weeks from the date of receipt of a certified copy of this order.

8. In the event that the respondents find that the applicant is found fit and duly qualified to the service entitled as per the merit list, which is claimed to be the IPS by virtue of gaining Rank No.148, the consequential benefits in terms of the entitled allocation of service shall also be duly ordered.

9. In the aforesaid terms, the OA is disposed of without any order as to costs.

(Ravinder Kaur)
Member (Judicial)
kmg*-

(R. Vijaykumar)
Member (Administrative)

