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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1851/2003

New Delhi this the 30th day of July, 2003.

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S.K. Naik, Member(A)

Rajbir Gaur(Group D),
St. Bearer,
B-394, Gali No.19,
Bhajan Pura,
Delhi-29.

.... Applicant

(through Sh. Harvir Singh, Advocate)

Versus

1. Secretary,
Ministry of Health & Family Welfare,
GOI, Nirman Bhawan,
New Delhi.
2. Principal and Medical Supdt.,
Vardhman Mahavir Medical College
& Safdarjung Hospital, New Delhi-29.
3. Head of the office of Vardhman
Mahavir M.C. & Safdarjung Hospital,
New Delhi-29.
4. Head of the Deptt. of Anesthesia,
VMMC & Safdarjung Hospital,
New Delhi-29. Respondents

ORDER (ORAL)

Shri Justice V.S. Aggarwal, Chairman

The applicant had joined the duties as Stretcher Bearer with respondents. By virtue of the present application, he seeks quashing of the order dated 13.2.2003 and a further direction to recall the applicant for training as ORA.

2. On an earlier occasion, the applicant had filed OA-2756/2002 which was disposed of on 23.10.2002 directing the respondents to pass a speaking order while

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disposing of the representation. In pursuance thereto the representation has been decided and the order reads:-

"Sh. Rajbir Gaur, St. Bearer, Rank No.5467 is hereby informed that his above said representation has been examined carefully and considered sympathetically but it is stated that the representation of Sh. Rajbir Gaur cannot be accepted because from the available record it appears that he is in the habit of absenting himself from duty & training, without permission in the past also, as admitted by him in his letter dated 10.3.02. Moreover, it is also reported that he was found sticking posters on the walls, doors, windows, window-panes etc. damaging the Govt. property i.e. defacing the walls of hospital premises hence also causing pecuniary losses to the Govt. and also disobeyed the orders of his senior officers."

3. Learned counsel for the applicant contends that the facts stated are incorrect. No show cause notice has been served on the applicant before passing such an order and that the order is stigmatic in nature.

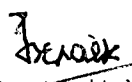
4. We have carefully considered the submissions of the learned counsel. In the peculiar facts of the present case, we find no reason to act upon the said submissions. Reasons are obvious. The applicant as per his own version has been picked up for training of ORA. If during the said period he started absenting himself from duty/training without permission or did overact as mentioned in the order, no civil

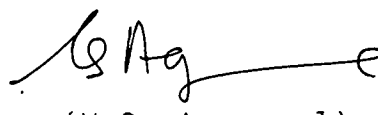
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consequences of the rights of the applicant would be affected or would flow to prompt us to conclude that a show cause notice should have been served before passing such an order. It would not be even appropriate to call the order as stigmatic because it was in pursuance of the directions of the Tribunal that a speaking order has been passed, deciding the representation. It is within the domain of the authorities to consider the fact and merely stating that they are not correct will not be a good ground to interfere for us.

5. Resultantly, the OA being without merit is dismissed.


(S.K. Naik)
Member(A)


(V.S. Aggarwal)
Chairman

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