

Central Administrative Tribunal  
Principal Bench

OA No. 2763/2003

New Delhi this the 18th day of November, 2003

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)  
Hon'ble Shri Bharat Bhushan, Member (J)

Pal Devendra Singh,  
S/o Shri Ram Nath Pal,  
2391, Jhingur Pura,  
Post Office: Sankat Mochan,  
Mathura (U.P.)

(By Advocate: Shri D.N. Sharma) -Applicant

Versus

1. Union of India,  
through the Director General of Medical  
Services(Army), Adjutant General's Branch,  
(DGMS-3(B)Section), "L" Block,  
Army Headquarters, D.H.Q. Post Office,  
New Delhi-110 001.
2. The Officer Commanding,  
Military Hospital,  
Mathura-Cantt.

-Respondents

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice Chairman (A)

Learned counsel heard.

2. Applicant is stated to have been selected for the post of Civilian Motor Driver, and was offered appointment as such on two years probation on 23.5.2002. It is stated that applicant met with the road accident causing physical ailment and fracture in the leg due to the road accident. He remained hospitalised from June, 2002 to 15.2.2003. When the applicant on recovery reported for joining on 16.2.2003 and presented medical certificates of his physical fitness, he was not permitted to join.



3. Applicant had earlier on filed OA-1324/2003 which was disposed of on 28.5.2003 directing the respondents to pass a reasoned order on applicant's pending representation dated 17.3.2003. The impugned order dated 22.10.2003 (Annexure A-1) had been passed by the respondents in compliance of the Tribunal's directions stated in the aforesaid order of the Tribunal. While rejecting applicant's request for joining, the respondents have stated that applicant had reported for duty only on 16.2.2003 by which time the stipulated six months' period had already lapsed and in the result the offer of appointment to the applicant made on 21.6.2002 had also lapsed automatically. As such, he was not allowed to join the post.

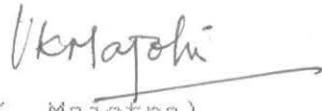
4. Learned counsel of the applicant has brought to our notice Annexure A-12, which are DOPT OM dated 9.8.1995 and Ministry of Home Affairs OM dated 6.6.1978 to the effect that even in case of recruitment through the UPSC and "offer of appointment which has lapsed should not ordinarily be revived later, except in exceptional circumstances and on grounds of public interest". Learned counsel stated that applicant was a candidate for the post of Civilian Motor Driver and in exceptional circumstances of having met with an accident, he had not been in a position to join on the offered post within a period of six months. Learned counsel stated that respondents should have considered the exceptional circumstances allowing the applicant to join on the post.

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5. While the claim of the applicant cannot be allowed on merit, respondents may consider the applicant's case treating the circumstances of the applicant as exceptional.

6. OA is disposed of with the above observations.

  
(Bharat Bhushan)  
Member (J)

  
(V.K. Majotra)  
Vice-Chairman (A)

cc.