

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT  
AND  
HON'BLE Dr.JUSTICE SHAMEEM AKTHER**

**WRIT PETITION No.4392 of 2017**

**ORDER:** (Per Suresh Kumar Kait, J)

Vide the present petition, petitioner seeks direction, thereby quashing the order dated 19.12.2016 passed in M.A.No.21/1136/2015 and M.A.No.21/1135/2016 in O.A.No.21/726/2016 passed by the learned Central Administrative Tribunal, Hyderabad Bench, consequently permit the petitioner to allow for re-medical examination and further direct the respondents to send the petitioner for training on par with others.

We note, vide order dated 19.12.2016, the learned Member (A) of the Tribunal recorded in the order that the Tribunal has already passed interim order directing the respondents to allow the petitioner for re-medical examination; thereafter contempt petition has been filed by the petitioner for non-compliance of the said order and thereafter the petitioner filed M.A.No.21/1136/2016 for direction to the respondents, which is already the subject-matter of the contempt petition. Consequently, the learned Member dismissed the M.A.

We note, in the said order, it is specifically stated that the pleadings in both the O.A., and the contempt petition are complete, there is no room for granting any direction as prayed for in M.A.No.1136 of 2016.

Sri G.Vidyasagar, learned senior counsel appearing on behalf of the petitioner has informed this Court that the O.A., and contempt petition are pending disposal as there is no Member (Judicial) available at Hyderabad Bench and it is running only with sole Member (A).

In response to the notification dated 31.05.2014 for Civil Services Examination 2014, petitioner applied for the same. He was issued hall-ticket No.651329. He qualified in the preliminary examination and got through main examination held in December, 2014. Interview was held on 02.06.2015. Thereafter, the petitioner appeared for medical examination on 03.06.2015 at Dr.B.R.Ambedkar Hospital, New Delhi. The medical report was uploaded in the website on 17.06.2015. In the medical report, it was declared that the petitioner was temporarily unfit due to high Body Mass Index (>30).

Learned senior counsel appearing on behalf of the petitioner submits that petitioner prayed before the Tribunal to direct the respondents to send the petitioner for re-medical examination. The said prayer of the petitioner was allowed vide order dated 17.08.2016. Since the said direction was not complied, petitioner filed contempt petition, however, the same is pending adjudication due to non-availability of Member (Judicial) in Central Administrative Tribunal, Hyderabad.

It is not in dispute that other candidates who were selected finally have already been sent for training to the National Academy of Administration, Mussoorie, but fate of the petitioner is not decided yet.

In the interests of justice and in exercise of jurisdiction under Article 226 of the Constitution of India, we hereby direct the Chairman, Central Administrative Tribunal, Principal Bench, New Delhi, to arrange a Member (Judicial) either from New Delhi or any other Bench to hear O.A.No.21/726/2016 at Hyderabad, within two (2) weeks from the receipt of this order. We further direct the said Chairman to make the aforesaid arrangement with special instructions that O.A.No.21/726/2016 shall be

decided within four weeks from the date of constitution of appropriate Bench.

In view of the above, the petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions if any pending stand closed.

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SURESH KUMAR KAIT, J

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Dr.SHAMEEM AKTHER, J

June 22, 2017

**Note:** Registry is directed to communicate a copy of this order to the Chairman, Central Administrative Tribunal, Principal Bench, New Delhi.

B.O.

MRR

