

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP No. 23984 of 2011 (O&M)**

**Date of decision :28.04.2015**

**Raj Kumar**

**..... Petitioner**

**VS**

**Union of India & others**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

**\*\*\***

Present : Mr.O.P.Hoshiarpuri, Advocate  
for the petitioner.

Mr.Agam Jund Mullanpur,  
Central Govt. Counsel for respondents No.1 to 3.

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**AJAY TEWARI, J. (Oral)**

By way of the present petition the petitioner challenged the order whereby he has been discharged from service.

On 11.12.2013, the following order was passed :-

“Heard learned counsel for the parties at considerable length and has been taken through the facts of the case. The petitioner has been put through a series of medical tests with respect to his vision/colour blindness and nothing abnormal was detected and he was offered appointment and put to training from 25.4.2011 to 26.11.2011 in the BSF. During this period, the petitioner was referred by BSF itself to the GGS Medical College, Faridkot, to examine the petitioner, which is a Government run institution. The doctors there affirm that there was nothing faulty was found in the petitioner's eyes. However, a review Medical Board was constituted in BSF on the Composite Hospital, BSF, Jalandhar, which opined the petitioner was colour blind. In these circumstances, there is conflict of opinion between the doctors of

GGs Medical College, Faridkot and the Composite Hospital, BSF, Jalandhar.

In order to resolve this and in order to satisfy the conscience of the Court and to know the true medical condition of the petitioner whether he suffers from colour blindness or not, this Court requests the Medical Superintendent, PGI, Chandigarh to request the senior doctors of the concerned Department to medically examine the petitioner and to opine whether he suffers from colour blindness or not. The petitioner would meet with the Medical Superintendent, PGI, Chandigarh with a certified copy of this order and request him for the medical examination. The Medical Superintendent, PGI, Chandigarh is further requested to consult the specialist doctors in the Department concerned and to request them to take out time at their convenience to medically examine the petitioner with respect to his alleged colour blindness. The petitioner would then present himself on the date fixed by the Medical Board requested by this order and the opinion of the Medical Board be placed before this Court through the Standing Counsel of the PGIMER, Chandigarh. Let this exercise be done as soon as possible and the findings of the Medical experts be produced in the Court on the next date of hearing.

Adjourned to 17.1.2014.

Learned counsel for the petitioner submits that he will inform his client that he should appear before the Medical Superintendent, PGI, Chandigarh for the said purpose on 23.12.2013(Monday).A copy of this order be given to the parties dasti under the signatures of the Bench Secretary.”

Thereafter the report of the PGIMER was received and is stated to have been placed on record on 17.02.2014. By that report it has been found that the petitioner has complete inability to identify the colour red and as regards the colour green also he has the limited ability.

Learned counsel for the petitioner has argued that as per the order of 11.12.2013, the petitioner had to be examined by senior/specialist doctors but as per the report the petitioner has been examined by one Assistant Professor, one Senior Resident and one Technical Assistant and consequently the report is not valid.

I am afraid it will not be possible for me to accept this argument. The PGIMER being a Post Graduate institute all doctors over there are by definition specialists.

In the circumstances no fault can be found with the report. In

view thereof no relief can be granted to the petitioner.

Petition is dismissed.

Since the main case has been decided, the Civil Misc.  
Application, if any, also stands disposed of

**April 28, 2015**

*sunita*

**(AJAY TEWARI)**

**JUDGE**