

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-24852-2015

Date of decision: December 18, 2015

Sachin Kumar

...Petitioner

Versus

Union of India and others

....Respondents

CORAM:HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

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Present:- Mr. Deepak Sonak, Advocate, for
the petitioner.

Mr. Parminder Singh Kanwar, Sr. Panel Counsel,
for respondents-UOI.

HARINDER SINGH SIDHU, J.

The petitioner applied for the post of Airman (GP X & Y) in the year 2014. He cleared the written examination as well as physical test and was called for medical examination on 09.07.2015. In the medical examination, he was found unfit on account of (a) Lumber Loredosis, (b) Crepitus Right Knee, (c) Phimosis, (d) Vericocele and (e) Restricted Neck Movements.

He filed an appeal to reconsider his case. The Appellate Medical Board examined him and declared fit in 4 points and unfit in one point. The details of the same are as under:-

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| “(a) Lumber Loredosis - | Found fit in Ist Appeal |
| (b) Crepitus Right Knee - | Found unfit in Ist Appeal |
| (c) Phimosis - | Found fit in Ist Appeal |
| (d) Vericocele - | Found fit in Ist Appeal |
| e) Restricted Neck Movements - | Found fit in Ist Appeal” |

Thereafter, the petitioner got himself examined from four different institutions namely, PGIMER Hospital, Rohtak, Chawla Nursing Home, Hisar, Base Hospital, Delhi Cantt. And PGI, Chandigarh. The reports thereof are annexed as Annexure P-4 to P-7 respectively. It is the case of the petitioner that he was found fit in all these examinations.

The petitioner, thereafter, submitted a representation to reconsider his case as he has been declared fit by several hospitals, private as well as Govt. However, his representation was rejected by Central Airmen Selection Board vide order dated 16.10.2015 (Annexure P-9) on the ground that opinion of Appeal Medical Board is final and that there is no provision for further appeal/re-medical.

Aggrieved of this, the petitioner approached this Court. Learned counsel for the petitioner relied upon the order of Division Bench of this Court dated 19.05.2015 passed in LPA No.654 of 2015, Raju vs. Union of India and others to contend that as he has been declared fit by the medical board constituted by PGIMER, Chandigarh and PGI, Rohtak, he is entitled for reconsideration of his medical fitness by a review medical board.

Learned counsel for the respondents on the other hand contends that there is no provision for a review medical board and that the civil hospitals are not competent to assess the fitness of a candidate for employment into the armed forces.

The Division Bench of this Court in the aforeaid order had directed the authorities to either constitute a review medical board to reconsider the medical fitness of the petitioner or verify the original medical certificate relied upon by the petitioners.

Following the aforesaid precedent, the respondents are similarly directed to consider to either constitute a review medical Board to reconsider the medical fitness of the petitioner or they may rely on the original medical certificate relied upon by the petitioner.

Appropriate decision may be taken within four weeks and if the petitioner is found medically fit, the desirability of offering him appointment shall also be considered within one month thereafter.

Disposed of.

(HARINDER SINGH SIDHU)
JUDGE

18.12.2015
dkw