

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

CWP-25828-2014

Date of Decision: February 05, 2015

Asha RamPetitioner

vs.

UOI and othersRespondents

CORAM HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present Mr.Arvind Thakur, Advocate for the petitioner.
Mr. Vinod Sharma, Advocate
Mr. Arun Gosain, Advocate
for Mr.Chetan Mittal, Sr. Advocate for respondents no.1 to 3.

RAMESHWAR SINGH MALIK, J(Oral)

In compliance of the order dated 17.12.2014 passed by this Court, Director PGIMER, Chandigarh has furnished the medical report dated 22.01.2015 which is available on record of this case.

Learned counsel for the petitioner submits that since the latest medical report dated 22.01.2015 of the medical board constituted by the Director PGIMER, Chandigarh is available, let respondent no.3 re-consider the claim of the petitioner in view of the latest medical report.

Heard learned counsel for the parties.

The report of the medical board dated 22.01.2015 submitted by the Director, PGIMER, Chandigarh reads as under:-

“ *REPORT OF THE MEDICAL BOARD*

A medical board of the following undersigned members was constituted vide order No. EV(9) PGI-MS/MA-63/2015 dated 17.01.15 for medical examination of Mr. Asha Ram s/o Sh.Wajir Chand in the CWP No. 25828 of 2014 titled Asha Ram v.Union of India and others. The medical Board

held its meeting on 22nd January 2015 at 4:00 p.m under the chairmanship of Dr.Navneet Singh, Assistant Professor, Department of Pulmonary Medicines, PGIMER, Chandigarh in the Seminar room of Department of Pulmonary Medicine.

Mr. Asha Ram, 26 years old male was asked about the history and examined clinically followed by conduct of relevant investigations which are detailed as below.

Mr. Asha Ram had history of fever and cough with mucoid expectoration around ten years back. Based upon these symptoms, he was diagnosed as having pulmonary tuberculosis and received treatment for the same. As per Mr. Asha Ram's statement, on completion of treatment at that time, he did not have any symptoms and continued to be asymptomatic after that also. There are no symptoms currently. Clinical examination including that of the respiratory system was unremarkable.

At PGIMER, Mr. Asha Ram underwent the following investigations on January 21st and 22nd 2015. Two separate samples of sputum were examined for acid fast bacilli and were both negative. His spirometry (lung function test) was within normal limits for his age and gender. Chest radiograph (X-ray) showed ill-defined opacity in upper zone on both sides. High resolution computed tomography (HRCT) of thorax showed fibrocalcific changes involving upper lobes of both lungs, middle lobe of right lung and lingua of left lung with few subcentimetric lymph nodes in the mediastinum which likely represented sequelae of old tuberculosis. There was no radiological evidence of reactivation.

MEDICAL BOARD OPINION

Based upon his history, clinical examination and investigations, the board is of the opinion that:

- 1. Mr. Asha Ram is not currently suffering from active pulmonary tuberculosis:*
- 2. His chest imaging (X-ray and HRCT) is suggestive of sequelae from previous tubercular infection in both lungs:*
- 3. His spirometry (lung function) is within the normal limits for his age.*

Sd/-

*Dr.Shefali K.Sharma
Member*

Sd/-

*Dr. Inderpaul Singh Sehgal
Co-opted Member*

Sd/-

*Dr.Jitender Sodhi
Member (Convener)*

Sd/-

*Dr.Navneet Singh
Chairman”*

Learned counsel for the petitioner submits that as per medical report dated 04.02.2014 Annexure P6, deficiency pointed out in the petitioner was as under:-

“unfit due to chest x-ray showing fibrocalcific lesions upper to his of both lungs.”

After hearing the learned counsel for the parties and going through the record of the case, Deputy Inspector General of Police, Central Reserve Police Force – respondent no.3 is directed to look into the matter, reconsider the claim of the petitioner on the basis of above said report of medical board dated 22.01.2015 at an early date, by passing an appropriate order thereon, strictly in accordance with law but in any case within a period of two months from the date of receipt of certified copy of this order.

This Court hope and trust that respondent no.3 shall proceed on a dispassionate approach, while considering the claim of the petitioner in view of the above said medical report.

With the above said observations made and directions issued, the present writ petition stands disposed of.

05.02.2015
mamta

(RAMESHWAR SINGH MALIK)
JUDGE