

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17983 of 2014 (O&M)
Date of Decision:- 23.09.2016.

Garu Ram

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Rajeev Anand, Advocate for the petitioner.

Mr. I.P.S. Doabia, Advocate for respondent Nos.2 to 4.

Mr. Indresh Goel, Advocate for respondent No.5.

P.B. BAJANTHRI, J. (Oral)

CM No.11950-CWP of 2016

CM for placing on record Annexures R-3/1 (Colly) and R-3/2 on behalf of respondent Nos.2 to 4 and for exemption from fair typed and certified copies of the above Annexures is allowed for the reasons stated in the application as well as accompanying affidavit.

Annexures R-3/1(Colly) and R-3/2 are taken on record.

CWP No.17983 of 2014

1.) In the instant writ petition, the petitioner has questioned the validity of Annexure P-7 dated 31.7.2014 by which his appointment to the post of Constable (General Duty) dated 9.5.2014 was made to be treated as cancelled for the reasons that he was subjected to medical examination on

31.7.2014 wherein Medical Board has held him that he is suffering from “*coloured blindness*”. The petitioner has not been provided reasons for holding that petitioner is coloured blindness i.e. report or opinion of the Medical Board so as to know under what circumstances he has been declared as coloured blind.

2.) The mode of medical examination for the purpose of holding a candidate medically fit the respondents are following medical examination and further review medical examination. In the present case, on 24.7.2012, the petitioner was declared medically unfit. Thereafter, he was subjected to Review Medical on 27.7.2012 wherein the petitioner has been declared medically fit for the the said post. Thereafter, appointment order was not issued within one year and the same was issued on 9.5.2014. Consequently, as per the policy of the respondents that if there is a gap of more than one year in issuing appointment order in such circumstances, candidates are to be subjected to medical examination once again. Accordingly, the petitioner was subjected to medical examination pursuant to the appointment order dated 9.5.2014 on 31.7.2014 (Annexure P-7) wherein the petitioner has been held that he is medically unfit while assigning the reason that he is suffering from “*coloured blindness*”. When the policy of the respondents that a candidate would be subjected to medical examination and review medical, the same yardstick should be applied if there is delay in issuing appointment order for the purpose of further subjecting such candidates for medical examination on second occasion due to delay in issuance of appointment order. Whereas in the present case, after issuance of appointment order, petitioner was subjected to medical examination wherein

resorted to review medical examination of the petitioner's candidature which has not been resorted. Therefore, Annexure P-7 dated 31.7.2014 is liable to be set aside insofar as cancellation of appointment order dated 9.5.2014 is concerned. Insofar as medical examination is concerned, the respondents are directed to subject the petitioner before the review medical examination after furnishing the opinion/report of the Medical Board held on 24.7.2014 to the petitioner. Thereafter, the petitioner be subjected to review medical examination. If the petitioner still got declared medically unfit, the respondents are directed to take further steps after issuing show cause notice to the petitioner within a period of three months.

3.) Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

September 23, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.