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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3210/2016
SATNAM SINGH

..... Petitioner

Through: Mr. Rakesh Kumar Yadav, Advocate
with petitioner in person.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Dev P. Bhardwaj, CGSC with
Mr. P.C. Yadav, Senior Panel Counsel.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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17.05.2016

1. The present petition has been filed by the petitioner praying *inter alia* that the proceedings of the Review Medical Examination held on 11.01.2016 at the BSF Base Hospital be quashed and the respondent No.3/BSF be directed to recruit him as a Constable (GD).

2. Learned counsel for the petitioner submits that the petitioner was one of the candidates who was selected by the respondent No.2/SSC for the recruitment in the Paramilitary Forces, for posts advertised in the year 2011. The petitioner was issued an appointment letter by the respondent No.3/BSF on 27.07.2015 and he had joined his duties at the Chhawla Camp, New Delhi on 30.9.2015, as a probationer. However, the petitioner was declared unfit in the medical examination conducted by the respondent No.3/BSF on 27.10.2015, on the ground that he was suffering from “*having varicose veins*”

over popliteal region Lt. ”.

3. Counsel for the petitioner states that aggrieved by the said report, the petitioner had approached the UHM Hospital at Kanpur, which is a government hospital, for a fresh medical examination, where he underwent a Doppler test to verify his medical condition and as per the said report, the petitioner was declared medically fit. Armed with the said report, the petitioner had filed an application for a Review Medical Examination, which was held by the respondents on 11.1.2016 once again declaring him unfit for the following reasons :

“varicose veins with collaterals & tortuosity felt in left popliteal fossa”

4. Counsel for the petitioner submits that in view of the petitioner’s Doppler test and the report of the Surgeon at UHM Hospital at Kanpur, the respondents had erred in discharging him from service during his probation period.

5. In view of the two contrary reports, one of the doctors at the BSF Hospital and other of the Surgeon at UHM Hospital, Kanpur, it is deemed appropriate to direct the respondent No.3/BSF to approach the Army R&R Hospital, Delhi for the petitioner’s re-examination within two weeks. The respondents shall give a written intimation of the date and time fixed to the petitioner for him to present himself at the said Hospital along with the Doppler test report and all other relevant documents. A report shall be submitted by the Army R&R Hospital, Delhi to the respondent No.3/BSF within three weeks from the date of the petitioner presenting himself. The respondent No.3/BSF shall give a written intimation to the petitioner of the

decision taken in respect of his medical condition. If the petitioner is found medically fit by the Army R&R Hospital for the condition referred to above, then the respondents shall reinstate him in service from the date of his initial appointment with all the consequential benefits.

6. It is made clear that the report of the Army R&R Hospital shall be final and binding on both the parties.

7. The writ petition is disposed of.

HIMA KOHLI, J

ASHUTOSH KUMAR, J

MAY 17, 2016

sk/ap

