

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22996 of 2016

Date of Decision: 01.05.2017

Rohit Kumar

...Petitioner

Vs.

Central Airman, Selection Board, New Delhi

...Respondent

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner.

Mr. Vivek Singla, Advocate,
for the respondent.

RAJIV NARAIN RAINA, J. (Oral)

When the matter was listed on November 07, 2016, the
Coordinate Bench passed the following order:-

“Notice of motion for 15.03.2017.

*Short question for consideration is that the
petitioner is a candidate for recruitment to the post of
Airman. He was subjected to medical examination in
which he was held to be unfit. Thereafter, he was
subjected to review medical. The petitioner contended
that in the review medical only one specialist (Doctor)
has examined instead of Board of members of the
review medical. The respondents are directed to
produce original file relating to the review medical
before the next date of hearing.*

List on 15.03.2017.”

The petitioner does not appear nor his counsel when the case is
called for hearing.

Heard Mr. Vivek Singla, learned counsel representing the
respondents. Though as per office report process fee was not filed, but

since there was a direction on 07.11.2016 to the respondents to produce original file relating to the review medical before the next date of hearing, Mr. Singla has produced the original medical record of the petitioner in Court. The Appeal Medical Board, 12 Wing, AF, Chandigarh vide its report dated 29.08.2016 declared the petitioner fit for Tachycardia, but unfit for ECG Abnormality (Sinus Tachycardia) & Hypertension citing medical literature. The report of the Appeal Medical Board is reproduced below in scanned form:

APPEAL MEDICAL BOARD
12 WING, AF, CHANDIGARH

AFO:0904 Appr Dt:29 Aug 16

Roll No: 1601133461 Name: Rohit Kumar DOB: 17/02/98 Gp: X

Opinion of Lt Col Gurtej Singh C1 Spl (Med) at CH (WC) on 02 Sep 16 for ECG Abnormality & CVS Review (Hypertension & Tachycardia)

UNFIT for ECG Abnormality (Sinus Tachycardia) (ECG HR:113/min) and CVS Review (Hypertension) (BP: 156/96 mmhg). **FIT** for Tachycardia (Pulse: 88/min)

FINAL DISPOSAL:- **FIT** for Tachycardia. But **UNFIT** for ECG Abnormality (Sinus Tachycardia) & Hypertension vide Para 3.3.2 & 3.3.3 of IAP 4303 (4th edition). Hence declared UNFIT.



Place: 12 Wing AF

Varun

Signature of Member AMB
(वरुण सबरवाल / Varun Sabarwal)
स्क्वाड्रन लीडर / Squadron Leader
मेडिकल ऑफिसर / Medical Officer
12 स्कॉट वायु सेना / 12 Wing Air Force

Sumit

Signature of President AMB
(Sumit Dutta)
ग्रुप कप्तान
गो. कप्तान
सेनियर मेडिकल ऑफिसर
Senior Medical Officer
12 स्कॉट वायु सेना
12 Wing AF

Besides, Mr. Singla has pointed out from the papers produced today that even a specialist Doctor, namely, Lieutenant Colonel Dr. Gurtej Singh has declared the petitioner unfit for both 'a' & 'b' i.e. ECG Abnormality and CVS Review: Hypertension & Tachycardia recording petitioner's Blood Pressure 156/96 mmhg and Pulse 88/min.

I may notice the act of non-deposit of process fee after obtaining an interim order, that petitioner had either reconciled himself to

his fate or had lost interest in pursuing the litigation. May be why the counsel for the petitioner has abandoned the case and not appeared at the hearing.

In the result, the convincing medical record produced by Mr. Singla is accepted confirming that the petitioner is unfit for appointment as Airman in thje Indian Air Force seals the fate of this petition.

I would not interfere in this case which is found after perusal of the original record produced in Court devoid of merit. Hence, the petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

01.05.2017
neeraj/Vimal

Whether speaking/reasoned
Whether reportable

Yes
No