

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

246

**CWP-21202-2016 (O&M)
Date of decision:06.04.2018**

Satinder Pal Singh

...Petitioner

Versus

Union of India and others

.... Respondents

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

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

Ms. Sheenu Sura, Advocate for respondents-UOI.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, petitioner has challenged the medical examination report/discharge slip dated 13.03.2015 (Annexure P2) and order of termination dated 20.05.2015 (Annexure P-4). Pursuant to the selection and appointment to the post of Constable (G.D.) petitioner was stated to have been appointed and he had joined services on 24.10.2014. For the purpose of confirmation, petitioner was subjected to medical examination wherein medical authorities have found certain defects while diagnosis as moderate depression. The adverse medical report had been taken into consideration for the purpose of termination petitioner's services. Hence the present petition.

2. Learned counsel for the petitioner submitted that petitioner was examined by medical officer and not by experts. Therefore, before taking

any adverse report relating to medical examination, petitioner should have been subjected to medical board in terms of Government of India decision read with Central Civil Services (Medical Examination) Rules, 1957.

3. Per contra learned counsel for the respondents submitted that for temporary employee Central Civil Services (Medical Examination) Rules, 1957 read with Government of India decision quoted in replication is not attracted in the present case having regard to the status of the petitioner.

4. Heard learned counsel for the parties.

5. Irrespective of temporary or permanent employee before termination his/her services on medical ground it was necessary for the respondents to subject such person before the medical board consisting of experts. Therefore, there is infirmity in Annexure P2 to the extent that petitioner was not subjected to medical examination by medical board. Accordingly, medical examination report/discharge slip dated 13.03.2015 (Annexure P2) and consequential order dated 20.05.2015 (Annexure P-4) are set aside.

6. CWP stands allowed. Reserving liberty to the respondent to examine the petitioner through the medical board and take further action after giving due opportunity to the petitioner.

06.04.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No