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

+ W.P.(C) 9349/2018 and C.M No. 36261/2018 (stay)

JWO BEER PAL SINGH

..... Petitioner

Through: Mr. Ajit Kakkar, Advocate with
petitioner-in-person.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Ajay Digpaul, CGSC & Ms.
Madhuri Dhingra, Advocate with Wing
Commandant Ashok Chauhan, JWO Pridhunath
P. and JWO S.M Pal.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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12.09.2018

1. The petitioner has been presented in Court by the respondents in terms of the order dated 06.09.2018, reiterated on 11.09.2018.
2. We have interacted with the petitioner and perused his medical records produced by the learned counsel for the respondents.
3. The petitioner's medical records reveal that the Armed Forces Medical Service Form (AFMSF)-10 , which was the basis for sending him to the Military Hospital, Bareilly for a psychiatric evaluation was filled by his Commanding Officer at Agra on 28.08.2018. While recording his general behaviour, the report states that the petitioner appears to be very cheerful and an efficient person, who manages assigned tasks in time and that he is a sincere and dependable individual. The said observations are followed by the observation of the AOC, Air Commodore M.B.Aserkar, which reads

as under:-

“The individual has practically refused to move on posting from present location citing numerous personal/family problems. He has often expressed that he is under extreme stress. He has at one occasion expressed that he feels like ending his life due to so many issues. He needs further assessment”

4. A perusal of the aforesaid form reveals that the petitioner had been admitted by the respondents for medical evaluation at the Station Medical Centre, Agra on 24.08.2018. We are informed that the petitioner was detained at the said Medical Centre for evaluation right upto 31.08.2018 and on the night of 31.08.2018, he was shifted from the Station Medical Centre, Agra to the Military Hospital, Bareilly for a psychiatric evaluation.

5. On calling upon learned counsel for the respondents to indicate the evaluation report in respect of the petitioner for the period, during which he was detained at the Station Medical Centre, Agra, learned counsel states that all the medical records that are available have been produced. The records produced do not reveal any psychiatric evaluation conducted in respect of the petitioner, though he was detained for seven days at the Station Medical Centre, Agra, from 24.08.2018 to 31.08.2018. It is rather strange that in the absence of any psychiatric evaluation, the petitioner has been referred to the Military Hospital at Bareilly for further psychiatric evaluation. We have also perused the petitioner's medical record during his 10 days stay at the Military Hospital, Bareilly and are unable to find anything from the same which suggests that he was found to be suffering from

any psychiatric problem.

6. On interacting with the petitioner, who has been produced before us, we find that he is not only able to comprehend the queries posed by us, but has responded to them very coherently. Upon interacting with him we did not gather the impression that he was suffering from any depression or stress.

7. Further, the petitioner states that he does not wish to be detained in any Hospital either at Agra or at Bareilly and is willing to file an affidavit to the effect that he does not wish to undergo any psychiatric evaluation on being admitted in a Hospital at Agra or Bareilly.

8. We have enquired from the petitioner if he and his wife would be willing to submit their affidavits to the said effect, so that the respondents cannot be blamed in future for any adverse consequence on releasing him. The petitioner is agreeable to the same.

9. Accordingly, the petitioner and his wife are directed to file their affidavits within one week stating *inter alia* that he does not wish to be detained in any Hospital in Agra or Bareilly and that he may be released at his own risk and peril.

10. Coming to the merits of this case, learned counsel for the petitioner states that his client had submitted a representation for seeking an interview with the Assistant Chief of Air Staff (PA&C), but the said request had been turned down. He submits that at this stage, the petitioner would be satisfied if he is granted an interview with the aforesaid officer to enable him to explain the problems likely to be faced by him on account of his transfer.

11. Mr.Digpaul, learned counsel for the respondents states on instructions that an appointment shall be arranged for the petitioner as was requested by him. The respondents are directed to schedule an appointment for the petitioner with the Assistant Chief of Air Staff (PA&C) within one week from today under written intimation to him. Till the said appointment materialises, the petitioner shall not be compelled to move to his new place of posting at Lucknow.
12. The petition is disposed of alongwith the pending application.

HIMA KOHLI, J

REKHA PALLI, J

SEPTEMBER 12, 2018/sr