

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

SMRITI
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CWP-9025-2018

Date of Decision: 04.09.2019

Ajay Singh

... Petitioner

vs.

Director General, CRPF and ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

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

Mr. Shivoy Dhir, Advocate
for the respondent-UI.

ARUN MONGA, J.(ORAL)

In the instant writ petition, petitioner has challenged the medical certificate dated 19.10.2013 (Annexure P-4) and discharge slip dated 04.01.2014 (Annexure P7) and order of termination dated 17.02.2014 (Annexure P-8). Pursuant to the selection to the post of Constable (G.D.), petitioner was stated to have been appointed as such and he had joined services on 04.03.2013. For the purpose of confirmation, petitioner was subjected to medical examination wherein medical authorities have found certain defects with diagnosis as 'severe depression'. The adverse medical report had been taken into consideration for the purpose of termination of 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 examination by 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 for medical examination before the medical board consisting of experts. Therefore, there is infirmity in Annexures P4 and P7 to the extent that petitioner was not subjected to medical examination by medical board. Accordingly, medical certificate dated 19.10.2013 (Annexure P-4) and discharge slip dated 04.01.2014 (Annexure P7) wherein the petitioner is shown suffering from 'severe depression' and consequential order dated 17.02.2014 (Annexure P-8) are set aside.

6. Writ petition is allowed with liberty to the respondent to examine the petitioner through the medical board and take further action in accordance with law, after giving due opportunity to the petitioner.

04.09.2019
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No