

115

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19111-2017

Date of Decision:14.03.2024

SANDEEP KUMAR

Versus

..... Petitioner

UNION OF INDIA AND ORS.

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Madan Pal, Advocate for the petitioner.

Mr. Shivoy Dhir, Senior Panel Counsel
for the respondents-UOI.

JAGMOHAN BANSAL, J. (Oral)

1. On 22.12.2017, the following order was passed:
- “There is a written request on behalf of the respondents.*
- Learned counsel for the petitioner submitted that he has not given any consent on telephone in view of the urgency in the matter.*
- Matter relates to selection and appointment to the post of Sub- Inspectors in CISF for the year 2016. Petitioner is a candidate for recruitment. He has been found medically unfit vide Annexure P-6 to the extent that he is suffering from “Brachymetasia”. In this regard, petitioner on his own subjected to medical examination before GMCH Sector-32, Chandigarh, wherein they have found that petitioner is not suffering from the deficiency as held by the Medical Authority vide Annexure P-6 dated 11.04.2017. Therefore, he has sought for interim order.*
- In view of discrepancy among the medical opinion in respect of deficiency in the petitioner, petitioner be subjected to medical examination before PGI. Director of PGI is hereby directed to constitute medical board in respect of*

medical examination of the petitioner to the extent whether is he suffering from “Brachymetasia” or not? Petitioner is hereby directed to deposit Rs.5000/- with the PGI as medical examination fees.

Director of PGI is hereby directed to furnish a copy of the medical opinion before the next date of hearing.

A copy of this order be given to the petitioner dasti under the signatures of the Bench Secretary of this Court in turn he is directed to furnish a copy of this order in the office of the Director, PGI, Chandigarh.

List this matter on 7.2.2018.”

2. A Board of doctors of PGI examined the petitioner and submitted its report dated 08.02.2018. The report of PGI is reproduced below:

“In reference to order received from Justice P.B. Bajanthri, Hon'ble Punjab and Haryana High Court, Chandigarh, vide letter no.- EV (9) PGI MS/MA-63/2018 dated 12.01.2018, a medical board was constituted for expert opinion of the case titled Sandeep Kumar @ Union of India and others. The Medical board consisting of Prof. R. K. Kanojia, Dept. of Orthopedics (Chairperson), Dr. Devendra Kumar Chauhan, Addl. Prof. Dept. of Orthopedics (Member) and Dr. Sudip Bhattacharya, Senior Resident, Dept. of Hospital Administration (Convenor) met in the Internal Medicine Committee room on 5.07.2017 at 03:00 PM.

The medical records provided (copies are attached) to the board and current clinical condition was evaluated.

As per clinico-radiological examination of the patient, it was noted that patient is having Brachymetatarsia, but it was not found to impair his physical performance and routine duties.

<i>Prof. R.K. Kanojia,</i>	<i>Dr. Devendra Kumar</i>	<i>Dr. Sudip Bhattacharya</i>
<i>Dept. Of Orthopedics</i>	<i>Chauhan, Addl. Prof.</i>	<i>SR. Dept. of Hospital</i>
<i>(Chairperson)</i>	<i>Dept. Of Orthopedics</i>	<i>Administration</i>
	<i>(Member)</i>	<i>(Convenor)”</i>

3. Mr. Madan Pal, Advocate submits that as per report of PGI

though petitioner is suffering from alleged deceased, however, he is physically fit to perform his duties. He further submits that authorities may be directed to decide fate of the petitioner in the light of report of PGI.

4. Faced with this Mr. Shivoy Dhir, Senior Panel Counsel submits that Competent Authority would examine case of the petitioner in the light of report of PGI and needful shall be done within 3 months from today.

5. In the wake of statement of both sides, the present petition stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

14.03.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>