

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).1877/2007

(From the judgement and order dated 07/08/2006 in CWP No. 13031/2003 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

AJAY KUMAR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 14/05/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE P. SATHASIVAM

HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s)

Mr. Nikhil Jain, Adv.

For Mr. D. Mahesh Babu, Adv.

For Respondent(s)

Mr. Subhash Kaushik, Adv.

Mr. S.N. Terdal, Adv.

For Ms. Sushma Suri, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

Heard learned counsel for the parties.

The appeal is disposed of in terms of the signed order.

(R.K. Dhawan)
Court Master

(Shashi Bala Vij)
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3578 OF 2009
(Arising out of SLP(C) No.1877 of 2007)

AJAY KUMAR

...APPELLANT.

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS.

ORDER

Leave granted.

Heard learned counsel for the parties.

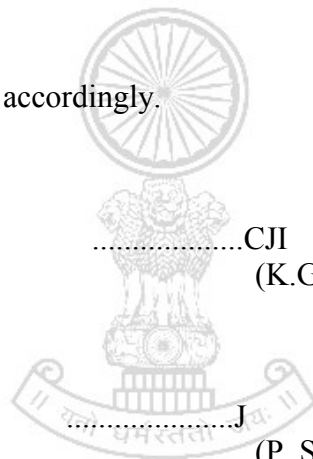
The appellant was originally recruited as constable in CRPF but during the course of medical examination it was found that his vision was not normal. Then he was subjected to Examination by the Medical Board on 24th April, 2002 and it was found that though he had no manifest squint, he had moderate exophoria with slow recovery and ultimately the Board opined that the candidate is fit for the job of Constable in CRPF. But subsequently on 24th March, 2003, his services were terminated on the ground that the Director of Medical Directorate found him unsuitable. The appellant filed a writ petition and the High Court referred the matter to the Medical Board consisting of some senior doctors from the Postgraduate Institute of Medical Education and Research, Chandigarh. The Medical Board gave the following opinion:

“He had unaided visual acuity of 6/6 in both eyes and his color vision and fundus examination was found

to be within normal limits. He has no manifest squint. However, he has exophoria for near with slow recovery. Worth four dot test showed binocular single vision. In our opinion, the candidate is fit for the job of Constable in CRPF.”

In view of the medical opinion expressed by the Medical Board of the Postgraduate Institute of Medical Education and Research, Chandigarh, we are unable to agree with the respondent that the appellant is not medically fit. Respondents are directed to reinstate the appellant forthwith. The appellant is not entitled to get back wages for the period he was out of service. But for the period he was in service, the wages may be paid as soon as he is reinstated in service.

The appeal is disposed of accordingly.



.....CJI
(K.G. BALAKRISHNAN)

.....J
(P. SATHASIVAM)

JUDGMENT

.....J
(DEEPAK VERMA)

NEW DELHI;
MAY 14, 2009.