

**CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH  
61/35, COPERNICUS MARG, NEW DELHI-110001**

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**Order Sheet**

Item no.: 7  
C.P./589/2023 (DELHI)  
[ CONTEMPT PETITION ]  
In  
O.A./4307/2017  
APPOINTMENT  
Court No.: 3

No of Adjournment: 14

Order Dated: 25/02/2025

**KAVINDER SINGH  
Vs  
S KISHOR & AMP; ORS STAFF SELECTION COMMISSION**

**For Applicant(s) Advocate :** Mr. Sachin Chauhan

**For Respondent(s) Advocate :** Dr. LC Singhi

**Order of The Tribunal**

1. The present Contempt Petition has been filed alleging willful disobedience of the order of the Tribunal dated 03.01.2023 deciding in O.A. No. 4307/2017. The operative portion of the said order reads as under:-

*“8. In view of the above observations, the O.A. is allowed and the impugned orders dated 19.04.2017 and 17.07.2017 are quashed and set aside. The respondents are directed to judge the medical fitness of the applicant by a newly constituted medical board in terms of the medical conditions laid down in the advertisement and taking into consideration the fact that he is already serving with the ITBP, the board will specifically examine whether the applicant’s ailment would, in*

*any way, come in the way of efficient discharge of his duties. In case, he is found fit, his dossier be forwarded to the user department and he may be appointed as per his merit in the selection process. Needless to say that he will be entitled to all consequential benefits.*

*9. The said exercise is to be completed within a period of three months from the date of receipt of a certified copy of this order.”*

2. An affidavit of compliance has been filed on 20.08.2024 and annexed thereto is the medical report of the applicant/petitioner dated 10.07.2023.
3. Learned counsel for the respondents explains that the respondents had decided to implement the order passed by the Tribunal and accordingly, they processed the claim of the applicant/ petitioner in a proactive manner. He submits that the applicant/petitioner was examined by the medical board on 03.07.2023 and the medical report was submitted on 10.07.2023.
4. He explains that the applicant/petitioner participated in the recruitment exercise undertaken by the SSC for the year 2016 i.e. the subject matter of the present petition. During the interregnum, the notification for the year 2017 was published and the applicant/petitioner participated in the 2017 process as well. He

submits that the examination in question was conducted by the SSC for different user departments that may include Delhi Police, CISF, CRPF, ITBP and BSF. In the year 2016, the ITBP was excluded as a user department; however, ITBP was one of the user departments in the recruitment for the year 2017. The applicant/petitioner was selected for the year 2017 and is working with the ITBP. He submits that before the applicant/petitioner was appointed with the ITBP, he was already declared unfit pursuant to the medical examination for the recruitment of the year 2016.

5. Learned counsel for the respondents further submits that after the medical examination of the applicant/petitioner on 10.07.2023 done in compliance of the order of the Tribunal, the respondents had sought information from the ITBP with respect to the medical report of the applicant. The same is annexed with the reply filed by them. He submits that the ITBP has confirmed that the applicant obtained his medical fitness by not disclosing his medical condition to the doctors who had examined him before declaring him fit. As a consequence, in view of the incorrect medical report, the applicant/petitioner has been appointed at the ITBP. He explains that the applicant has been extended appointment at the ITBP in pursuance of

an incorrect medical examination, however, he could not be extended appointment in the selection process under question. The applicant has been examined by independent agencies, that is, by the BSF in the year 2016 and by the ITBP in the year 2017. He submits that in terms of the directions of the Tribunal in the associated O.A., the applicant/petitioner has been examined by the CISF in the medical re-examination. Therefore, there are three different medical boards that have undertaken the medical examination of the applicant/petitioner. He submits that the applicant/petitioner has been declared medically unfit by two boards as against one board wherein he was examined by only one doctor, who is not an expert in the subject. He relies on Para 13 of the compliance affidavit which reads as under:-

“13. That ITBP vide their letter dated 13.02.2024 conveyed the Opinion of Dr. Neeraj Kumar, CMO(SG)(DME Board) which reads as under:

*"I have thoroughly examined the candidate during the detailed medical examination and most of the examination is based solely on history taking from the individual medical declaration by individual, visual and clinical examination. During the examination of the candidate as per available records, I have not found any deformity or disease and declared him fit on the basis of his declaration form clinical*

*and visual examination. According to the documents presented, candidate was disqualified in 2016 for suspected vitiligo glans by medical board, which was not declared by the candidate as per column 15 and column 30 in his declaration form and after the detailed medical examination conducted by me, it appears to be that candidate may have taken treatment or applied skin colour to hide the facts of which he was aware. If it was there and I could not see during the medical examination there may be chances of any treatment as vitiligo patches may have disappeared/faded substantially".*

*A copy of the said report/opinion of the concerned doctor is enclosed hereto as Annexure -R/12."*

6. Heard the learned counsel for the parties at great length.

7. A dissection of the operative portion of the order of the Tribunal

leads us to the conclusion that following directions were given:-

(i) The impugned order was quashed and set aside.

(ii) The respondents were directed to judge the medical fitness of the applicant/petitioner.

(iii) A new medical board was to be constituted and the applicant/petitioner was to be examined in terms of the conditions stipulated in the advertisement notification.

(iv) The medical board was to examine the medical condition of the applicant/petitioner in terms of the following:

A. Whether the medical condition vitiligo would come in the way of discharge of his duties

B. 'A' above should be considered, particularly, in light of the fact that he was already serving with the ITBP.

8. The applicant/petitioner has been examined by an independent medical board; the report is placed on record along with the reply. We have examined the medical report.
9. The first paragraph details that the medical condition and its status being Vitiligo, is stable for the past 10-11 years. It confirms that the applicant/petitioner has been declared unfit in light of the MHA order No. A.VI-1/20121-Rectt (SSB) dated 20.05.2015 as he was suffering from one of the ailments prescribed in the said order.
10. The respondents were given the direction that the medical examination of the applicant/petitioner be conducted in light of the fact that the applicant is already serving with the ITBP and determine whether the medical condition of the applicant/petitioner would come in the way of discharge of his duties.
11. No matter how many times we read the medical report of the applicant/petitioner, we arrive at only one conclusion that the medical examination has not been conducted in terms of the order passed by the Tribunal, rather the board is concerned about the future of the applicant in relation to the ailment.

12. In view of the above, the respondents are extended one more opportunity to get the applicant medically re-examined, in terms of the directions of the Tribunal in order dated 03.01.2023 and file an appropriate affidavit of compliance within a period of six weeks detailing the reasons for any course of action in view of 'A' and 'B' under para 7 (iv) above.

13. List on 05.05.2025.

**Chhabilendra Roul**  
**Member (A)**

**Pratima K Gupta**  
**Member (J)**

/dd/