

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

Order Sheet

Item no.: 15
C.P./589/2023 (DELHI)
[CONTEMPT PETITION]
In
O.A./4307/2017
APPOINTMENT
Court No.: 3

No of Adjournment: 7

Order Dated: 26/04/2024

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

For Applicant(s) Advocate : Mr. Sachin Chauhan with Ms. Reny Chauhan & Ms. Ridhi Dua

For Respondent(s) Advocate : Mr. Gyanendra Singh, Mr. Amit Yadav

Order of The Tribunal

The present contempt petition has been filed seeking compliance of the order dated 03.01.2023. The operative portion of the order reads as under:-

"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."

2. Learned counsel for the applicant draws attention to page 24 of the contempt petition wherein the applicant has been re-examined by the Board and the Review Medical Board has opined as following:-

"In keeping in view of the above facts, examination by the board, dermatologist opinion, psychiatric opinion and revised MHA guidelines, the board found him 'UNFIT' as vitiligo can spread to other body parts and may affect his Quality of Life (QOL) by harming psychiatric morbidity manifesting as Anxiety, Depression and sleep disturbances. Moreover, if he would be placed in the low medical category for General Vitiligo during Annual Medical Examination and medical board in force, then he would not be able to serve high altitude as a dicey restriction for his better health hence, all above said facts can come in the way efficient discharge of his duties."

3. Reading the two paras together, i.e., the operative portion of the order which is the subject matter of the contempt petition and the

opinion of the Review Medical Board, we are curious to know as to how the applicant, who had undergone the same selection process for the CGL 2017 has been working with the ITBP since 2019 performing tough duties of his assignment. It has not been disputed, the medical condition so examined at the relevant point in time when he was selected to work with the ITBP. However, the opinion reads as, "the ailment of the applicant may spread over the other parts of the body and may lead to psychiatric morbidity in future. The future cannot be the determined. The situation is that the applicant is suffering from medical condition which he was already suffering even in 2017, when he was selected.

4. Learned counsel for the respondents draws attention to the Review Medical Board's report in which it has also opined that the applicant is unfit due to Genital Vitiligo. This was precisely the condition of the applicant when he was selected.

5. We are disappointed to note that in spite of clear directions by the Tribunal, the respondents have not carried out the directions in true letter and spirit.

6. Mr. Gyanender Singh, learned counsel for the respondents states that the Staff Selection Commission (SSC) has already complied with the order passed by this Tribunal on 03.01.2024. He further states that the Medical was conducted by the CISF, which is the nodal agency to conduct the medical examination.

7. The respondent (SSC) is given another opportunity to have a re-look into the medical condition of the applicant and the order passed by this Tribunal.

The exercise ordained above be complied with before the next date of hearing.

8. Copies of the Order be sent to respondent No. 1 and 4.

9. At the stage, learned counsel for the applicant clarifies that the respondents have assigned the task of conducting medical examination on behalf of the SSC, i.e., Staff Selection Commission.

10. The respondents need to clarify whether the medical examination is conducted to check the current medical state of a

candidate or his future medical condition which the doctor feels may occur at a later date? The medical board shall come out with a clear finding whether the medical condition of the applicant, in any way, would come in the way of discharging the duties as Sub-Inspector in Delhi Police while he is already performing the same duties while working as Sub-Inspector in ITBP.

11. Learned counsel for the respondents seeks and is granted further three weeks' time to file compliance affidavit.

12. List on 19.07.2024.

Pratima K Gupta
Member (J)

Anand Mathur
Member (A)

/dm/