

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
O.A.No.72/2007
Monday, 2nd April, , 2007

**CORAM :HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER**

Vinod residing at Vinod Bhavan,
Cheenivila Road, Koovalassery P.O.,
Thiruvananthapuram. Applicant

By Advocate Mrs.K.V.Jayanthi
for Mr.S.Krishna Kumar.

V/s.

- 1 The Union of India,
represented by the Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
- 2 The Director General of
Central Reserve Police Force,
Lodhi Road, New Delhi-117 003.
- 3 The Inspector of General of Police,
Southern Sector,Central Reserve Police Force,
Road No.12, Banjara Hills, Hyderabad.
- 4 The Deputy Inspector General
of Police, Group Centre,
Central Reserve Police Force,
Pallippuram, Thiruvananthapuram.
- 5 The Additional Deputy Inspector
General of Police, Group Centre,
Central Reserve Police Force,Pallippuram,
Thiruvananthapuram. Respondents

By Advocate Mr.P.J.Philip

The application having been heard on 02.4.2007 the Tribunal delivered the following on the same day:

Hon'ble Mrs.Sathi Nair, Vice Chairman

(ORDER)

The applicant is a candidate for the post of Water Carrier in the C.R.P.F and appeared before the Addl. FIGP Group Centre, CRPF, Pallippuram on 20/10/2006 and was found medically unfit for that post. He submitted an application requesting for constituting a Review Board for

medical examination enclosing a certificate from one Dr.N.Jayaran, MBBS, MS, professor of Surgery, Medical College Trivandrum to the effect that applicant was not suffering from Hyper tension and was fit to be appointed for the said post.

2 The respondents vide Annexure R-1 dated 28/12/2006 directed the applicant to appear for a review medical examination on 16/1/2007 and directed him to report to the Group Centre Hospital. The applicant reported at the said hospital and was again found medically unfit and his candidature for the post of Water Carrier was rejected.

3 It is the case of the applicant that the Medical Board was not properly constituted and there was only one doctor and in a Review Medical Board there should be more than one doctor.

4 The respondents have filed a reply stating that the applicant was found medically unfit due to CSOM (K), Hypertension, Varicose Vein both legs, Varicoele, Deformed Little Finger, etc and he had not reported for the other tests. After re-examination of the Review Medical Board also the applicant was again declared unfit for the said post due to CSOM (K), Hypertension. It is also submitted that the applicant has cleared physical measurement, PET and trade test but was declared medically unfit due to hypertension even after review medical examination. The physical fitness is compulsory in the CRPF and therefore compliance of normal medical fitness is essential.

5 We have gone through the material on record and heard the counsel for the applicant and respondents. The Review Medical examination was no doubt carried out. It is seen from the Annexure R-1 that the applicant was called on 16/1/2007 for review Medical Examination before a Board as evidenced by the wordings of Annexure R-1 and the proceedings in the certificate, but he was found unfit for CSOM and

Hypertension. There was only one medical officer who is senior to the medical officer who had examined the applicant initially. As the applicant has filed a certificate from a Government Doctor stating that he was medically fit for the post of Water Carrier, it would have been appropriate and in the interest of an impartial assessment if the Review Medical Board had been constituted with more than one doctor and not the doctor who was senior to the doctor who had initially examined the applicant.

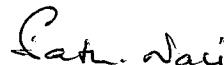
6 We direct the respondents in the interest of justice to constitute a Review Medical Board of two Doctors and refer the applicant for a review medical examination again. This shall be done within three weeks from the date of receipt of this order.

7 OA is accordingly disposed of. No costs.



K.B.S.RAJAN
JUDICIAL MEMBER

abp



Sathi Nair
SATHI NAIR
VICE CHAIRMAN