

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

21.

O.A.No. 486 of 2010

Karamjeet

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. Shailesh Tiwari, Advocate.

For respondents: Sh. Anil Gautam, Advocate.

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. M.L. NAIDU, MEMBER.

ORDER
20.01.2011

1. Petitioner by this petition has prayed that the result/notice dated 1st August 2009 (Annexure-P/1) declaring the petitioner to be unfit for employment in to the Navy may be quashed. Likewise, direct the respondents to accept the medical report issued by Capital Hospital, Bhubaneswar, Government of Orissa with regard to the petitioner for the purposes of employment in the Navy or in alternative to get the petitioner examined medically by an independent medical board of the Government Hospital like AIIMS to remove the doubts, if any.

2. Petitioner applied for recruitment in Indian Navy for SSR (Senior Secondary Recruit) in 02/2009 and qualified written test held on 15th April 2009. He also qualified the physical test as well as provisional medical test and was asked to report

to the Respondent No. 2 for final medical test vide call letter dated 19th June 2009. Petitioner reported for his medical examination and same was conducted on 31st July 2009. On 1st August 2009, Respondent No. 2 rejected petitioner on the ground of medical result stating therein that the petitioner is having cardiac problem and declaring him unfit for enrolment into the Navy. Petitioner contested that he was not having any cardiac problem. It is alleged that due to wrong medical report he suffered a great mental agony and he was not selected in Navy. Therefore he filed the present petition praying that the result of the Medical Board may be quashed.

3. A reply has been filed by the respondents and respondents in their reply has stated that during the final enrolment medical examination, petitioner was found unfit for 'Elevated BP' and 'Tachycardia'. It is stated by the respondents that he was referred to the Specialist Medical Officer at Indian Naval Hospital Ship Nivarini. The Specialist Medical Officer examined/reviewed the case of the petitioner and declared the petitioner as unfit for 'Hypertension in young' and 'Tachycardia'. A copy of medical report is annexed as Annexure R-6. Therefore in view of the fact that petitioner is found to be medically unfit to be inducted in Indian Navy his recruitment was set aside.

4. We have heard learned counsel for the parties and perused the record.

5. We are satisfied that in view of the findings given by the Specialist of the Naval Hospital that incumbent is suffering from Hypertension and Tachycardia and is, therefore, not fit to be recruited in Indian Navy. There is no reason for us to

interfere with this medical opinion. Hence, the petition is dismissed with no order as to costs.

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
January 20, 2011