

IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.

CWP No. 15446 of 2015. [O&M]
Date of Decision: 30th July, 2015.

Saurabh Kumar

Petitioner through
Mr. R.S.Duggal, Advocate

Versus

Union of India & Ors. Respondents.

**CORAM:HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B.BAJANTHRI**

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

SURYA KANT, J. [ORAL]

The petitioner joined Chandigarh Police as a Constable on 01.05.2011. He resigned soon thereafter and his resignation was accepted vide order dated 05.07.2011 [P-5]. The order was duly communicated. The salary in lieu of advance notice period was also deducted.

[2]. The petitioner is said to have submitted a representation on 29.08.2011 for the withdrawal of his resignation. To the surprise of every one, the then Senior Superintendent of Police vide order dated 31.05.2013 accepted the petitioner's representation and allowed him to join duties but imposed a rider that he will have to produce the 'Medical Fitness Certificate'.

[3]. Here, the petitioner was caught in his own web as the Medical Board and the Review Medical Board both declared him 'unfit'. He was, thus, not permitted to rejoin duties.

[4]. The aggrieved petitioner approached the Central Administrative Tribunal, Chandigarh Bench, who vide order dated

22.07.2014 dismissed his Original Application. The petitioner then filed a Review Application which has also been turned down on 06.04.2015.

[5]. The aggrieved petitioner has approached this Court.

[6]. We have heard learned counsel for the petitioner and gone through the record.

[7]. In our considered view, the Senior Superintendent of Police exceeded his authority while accepting the petitioner's request for the withdrawal of resignation when it had already been accepted and the order based thereupon stood communicated to him on 05.07.2011. The order dated 31.05.2013 was patently illegal.

[8]. Be that as it may, the petitioner was required to join a disciplined force. The medical fitness is undoubtedly of paramount importance. Due to his poor eye sight of the left eye leading to an abnormal vision, the Medical Board as well as the Review Medical Board declared the petitioner ineligible.

[9]. The petitioner has not challenged the decision of Medical/ Review Medical Board. Having accepted that, he can not be permitted to seek re-joining the police force.

[10]. No case to interfere with the impugned order is made out.
Dismissed.

(SURYA KANT)
JUDGE

July 30, 2015.
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(P.B.BAJANTHRI)
JUDGE