

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

250

CWP-15561-2016 (O&M)
Date of decision:21.12.2017

Sumit

....Petitioner

Versus

Union of India through Secretary Ministry of Defense, Govt. Of India, New Delhi and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Ravi Kant Sharma, Advocate for the petitioner.

Mr Sunil Kumar Sharma, Senior Panel Counsel for UOI.

P.B. BAJANTHRI, J. (ORAL)

On 10.11.2017 following order was passed:-

“Petitioner is a candidate for selection and appointment to the post of Soldier Clerk/Storekeeper. His candidature has been rejected with reference to the medical examination in which he was found with disability of “DIGITAL TREMOR” in view of the finding given by the Medical Authorities under Rule 248 of Recruitment Directive for Recruitment of Junior Commissioned Officers and other Ranks 2014. Rule 248 reads as under:

“After the review at the Appeal Medical Board, the candidate will have no right for further review/re-medical. All candidates who are found unfit by team of MOs and SRMO and endorsed unfit by specialist at designated hospitals will be debarred from participation in future

rallies.”

In the absence of challenge to Rule 248, petitioner cannot challenge the opinion given by the Recruiting Medical Officer dated 29.6.2016 to the extent of “DIGITAL TREMOR”.

Learned counsel for the petitioner seeks time.

List this matter on 11.12.2017”

Thereafter, matter was listed on 11.12.2017.

There is no challenge to the Rule 248 of recruitment directive for recruitment of junior commissioned, officers and other ranks 2014. At this stage, learned counsel for the petitioner prayed for withdrawal of the petition. He is permitted to do so. Hence writ petition stands dismissed as withdrawn. Reserving liberty to the petitioner to file a fresh petition insofar as challenging the validity of Rule 248 read with impugned action of the respondents.

21.12.2017

pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons:

Yes/No

Whether Reportable:

Yes/No