

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 4147 OF 2017

Shri. Krishna Baburao Kolekar

...Petitioner

Versus

Union Of India Through Secretary And Ors.

...Respondents

Mr.Madhav J.Jamdar, for the Petitioner.

Mr.Y.S.Bhate i/b. Mr.Chandrakant N.Chavan, for Respondent no.1.

**CORAM: NARESH H.PATIL AND
G.S.KULKARNI, JJ****DATED: 25th June, 2018**

P.C.:

1. The petitioner has retired as Havildar from the armed forces on 31st December,2001. 'Exhibit D' at page 30 of the paper-book refers to a report in respect of premature retirement of the petitioner from the services. Clause (f) and Clause (j) of the said "Exhibit D" read as under:

"(f) Whether low med cat due to

: (i) War wounded

(ii) Attributable to service

(iii) Non attributable to service

... ..

(j) If further retention is not recommended detailed reasons for non-recommendation

: Indl is unwilling to continue in service because of his ailment

2. The learned Counsel for the petitioner submits that the petitioner was suffering disability known as 'residuary disability ailment' (Bilateral Planter Afscitis). The petitioner had applied for time to get such certificate of disability. As it was denied, he filed the petition.

3. The learned Counsel for the respondent on written instructions and on the instructions of the concerned Officer, makes a statement that the respondent would issue a certificate of disability namely 'eligibility certificate'. The statement is accepted.

4. In view of the statement made on behalf of respondent no.1, we direct the respondent to issue an "eligibility certificate" to the petitioner within four weeks from today.

5. The petition is accordingly disposed of.

(G.S.KULKARNI, J.)

(NARESH H. PATIL, J.)