

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-5239-2014 (O&M)
Date of Decision:-17.01.2018.

Ajay Singh

.....Petitioner

Versus

Union of India and others

.....Respondents

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

Present: Mr. Rajeev Anand, Advocate for the petitioner.

Mr. K.S. Chahal, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

Petitioner was selected and appointed to the post of Constable (GD). His services were terminated after subjecting him to medical examination where he was found medically unfit. Respondents have invoked Rule 6 of the Central Civil Services (Temporary Service) Rules, 1965 (for short 'the 1965 Rules'). Since petitioner was not appointed on permanent basis and who was still trainee, therefore, Rule 6 of the 1965 Rules is attracted read with Ministry of Home Affairs Notification dated 17.02.1960 where they have adopted the then Central Civil Services (Temporary Service) Rules, 1949 which have been replaced by the 1965 Rules. Rule 6 of the 1965 Rules reads as under:-

6. Termination of temporary service on account of physical unfitness

Notwithstanding anything contained in Rule 5, the services of a temporary Government servant []

may be terminated at any time without notice on his being declared physically unfit for continuance in service by an authority who would have been competent to declare him as permanently incapacitated for service had his appointment been permanent.”

Having regard to the language employed in Rule 6 of the 1965 Rules, petitioner has not made out a case so as to interfere with the order of termination. At this stage, learned counsel for the petitioner submitted that Medical Board's opinion given by the CRPF is without their being an expert in the relevant subject. In the absence of challenge to the decision relating to holding that petitioner is medically unfit by the Medical Board, petitioner's contention that there was no expert opinion contention, cannot be accepted. Accordingly, petitioner has not made out a case.

Petition stands dismissed. Reserving liberty to the petitioner to challenge the Medical Board's opinion in accordance with law.

(P.B. BAJANTHRI)
JUDGE

January 17, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.