

(106)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.2123 of 2017 (O&M)
in CWP No.23008 of 2015
Date of decision: 08.02.2018

Union of India and others

..... Appellants

Versus

Vikrant

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL.
HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Praveen Chander Goyal, Advocate
Sr. Panel Counsel for Union of India.

Rajesh Bindal, J.

CM Nos.4656-57 of 2017

For the reasons mentioned in the applications, the same are allowed and delay of 26 days in refiling and 17 days in filing the appeal is condoned.

Main Case

Judgment of the learned Single Judge dated 12.07.2017 has been impugned in the present intra-court appeal.

In the case in hand, the candidature of the respondent for appointment as Airman with the Indian Air Force was rejected on discovery of a medical condition namely External Haemorrhoids by the Medical Board. Rejection was challenged by the candidate, respondent herein, by filing the writ petition. The matter was referred to PGIMER, Chandigarh.

Finding that there was some issue regarding Haemorrhoids, he was operated

on August 14, 2015 and as per the medical report given by a Board of Doctors from PGIMER, Chandigarh, at present there was no External or Internal Haemorrhoids. Meaning thereby the deficiency as was pointed out by the Medical Board had been taken care of.

No doubt, initially when candidature of the respondent was rejected, there was medical deficiency, however, as on today, considering the fact that the respondent is medically fit in terms of the parameters laid down for selection to the post of Airman, we do not find any error in the order passed by the learned Single Judge directing consideration of his candidature. Only clarification we can add to the order is that he will be entitled to all the benefits from the date he is appointed and will not be entitled to claim any benefit from the date the candidates in the same selection process were appointed as the respondent in the present case had to undergo surgery to cure his medical deficiency.

The appeal is disposed of accordingly.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

08.02.2018
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1. Whether speaking/reasoned : Yes/No.
2. Whether reportable : Yes/No.