

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

**LPA No.1695 of 2018
Date of Decision :07.12.2018**

Ex. HC/DVR Hakam Singh No.880919645

.....Appellant

Versus

Union of India and another

..... Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Ram Naresh Ojha, Advocate for the appellant.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This *intra court* appeal, under clause X of the letters patent, is directed against the judgment and order dated 5.7.2018, passed by the learned Single Judge, dismissing the writ petition filed by the appellant herein seeking a writ of certiorari to quash the order dated 31.10.2003 whereby he was invalided out from service for medical reasons on the recommendations of a Medical Board.

Admittedly, the appellant challenged the said order in 2018 after 15 years. Learned Single Judge when asked for explanation for this inordinate delay, no plausible explanation was submitted. It is also to be taken note of that after the appellant was found to be medically unfit by the Medical Board, a notice dated 21.09.2003 was issued informing him that he will be invalided out from service from the date of completion of one month period and in case he so desires a request for re-examination by a Medical

Review Board can be made and if such a request is made, the necessary expenses shall have to be borne by the applicant himself. It is undisputed that in response to the said notice the appellant submitted a reply which has been annexed as Annexure P-11, wherein he accepted that he was ready to proceed on medical board pension. Once the appellant himself accepted the invalidation order on medical ground and agreed to proceed on medical board pension, it does not lie in his mouth to challenge the said order after 15 years.

In wake of the above facts, we do not find any infirmity in the view taken by the learned Single Judge. The appeal being devoid of merit and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

07.12.2018

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No