

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: February 05, 2018

+ **W.P.(C) 1051/2018 & C.M. 4386/2018**

ASHWANI KUMAR Petitioner

Through: Mr. F.S. Chauhan, Advocate

Versus

INDIAN OIL CORPORATION LIMITED & ORS.

..... Respondents

Through: Mr. Paramjeet Benipal & Mr.
Nikhil Mundeja, Advocates for respondents
No.1 to 3

Mr. Manish Mohan, CGSC & Ms. Manisha
Saroha & Mr. Shubhasnh Pundir, Advocates for
respondent No.4

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. In this petition, petitioner claims that he had applied for the post of Junior Technical Assistant on compassionate ground vide application of 8th August, 2011 (*Annexure P-1*) and vide Communication of 20th November, 2015 (*Annexure P-8*), petitioner has been informed by respondent that petitioner is medically unfit.

2. Learned counsel for petitioner submits that petitioner had been advised to obtain an independent medical opinion and he has done it. Attention of this Court is drawn to Medical Certificate of 14th April, 2016 (*Annexure P-11*), which declares petitioner fit for active service.

3. Before approaching this Court, petitioner has not made any Representation on the strength of Medical Certificate of 14th April, 2016 (*Annexure P-11*) to third respondent. In the facts and circumstances of this case, this petition and application are disposed of with permission to petitioner to make a concise Representation to third respondent within a week while relying upon Medical Certificate of 14th April, 2016 (*Annexure P-11*). Upon receipt of such Representation, third respondent shall consider petitioner's application of 8th August, 2011 (*Annexure P-1*) in the light of Medical Certificate of 14th April, 2016 (*Annexure P-11*). If any vacancy of Junior Technical Assistant, Grade-III, under the category in question is still available, then petitioner's case be sympathetically considered. Let third respondent pass a speaking order within six weeks and the fate of petitioner's Representation be made known to petitioner within a week thereafter, so that petitioner may avail of the remedy, as available in law, if need be.

4. With aforesaid directions, this petition and application are disposed of.

(SUNIL GAUR)
JUDGE

FEBRUARY 05, 2018

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