

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

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Civil Writ Petition No.10166 of 2020
Date of Decision: July 20th, 2020

Deepak

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Surender Pal, Advocate
for the petitioner.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court with a grievance that despite he being declared medically fit, whereby he was issued fitness certificate dated 28.08.2019 (Annexure P-7) for enrolment as Airman, which was valid for six months, when the petitioner responded to the call letter for enrolment dated 15.11.2019 (Annexure P-8), he has been declared medically unfit vide communication/order dated 27.12.2019 (Annexure P-9) being overweight by 2 KGs. Counsel for the petitioner contends that the petitioner had preferred an appeal against the said decision and in pursuance thereto, he was called in the month of January 2020 in Military Hospital for re-medical examination. He was not conveyed any decision of the Appellate Authority but was told orally that on account of being overweight, he has been declared medically unfit without actually taking fresh weight of the petitioner. He, thus, contends that the action of the respondents cannot sustain. Petitioner was forced to served a notice dated 13.05.2020 (Annexure P-10) through counsel upon the Commanding Officer, No.5 Airmen Selection Centre Air Force, Jodhpur-respondent No.3 but till date no reply has been received.

Counsel contends that the petitioner, under these circumstances, had no

option but to approach this Court.

Notice of motion.

On the asking of the Court, Mr. Shivoy Dhir, Senior Standing Council for Union of India, accepts notice on behalf of the respondents.

Without going into the merits of the case or commenting thereon, the present petition is disposed of in the light of the submissions made by the counsel for the parties with directions to the Commanding Officer, No.5 Airmen Selection Centre Air Force, Jodhpur-respondent No.3 to consider and take a decision upon the legal notice dated 13.05.2020 (Annexure P-10) within a period of one month from today.

In case the claim of the petitioner is accepted, further steps be taken forthwith by the respondents.

Decision so taken be conveyed to the petitioner within the time fixed.

July 20th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No