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

Date of Decision: 29.10.2021

+ **W.P. (C) 12408/2021 & CM APPL. 39013-4/2021**
MRS. JYOTIBA JADEJA Petitioner
Through **Mr.Arvind Kumar, Adv.**

versus

UNION OF INDIA & ORS. Respondents
Through **Mr.Satyendra Kumar, SCGC**
with Mr.S.K.Pandey, GP.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed by the petitioner praying for the following relief:

“(i). *By writ of certiorari or any other appropriate writ, order or direction, quash and set aside impugned punishment awarded REPRIMAND u/s 82 of the Air Force Act 1950.*

(ii). *By writ of certiorari or any other appropriate writ, order or direction, direct the respondents to dispose of the medical condition of the petitioner's husband according to the IAP-4303.”*

2. At the outset, it is noted that the present petition is not filed by the Officer himself but by his wife. The petitioner avers that the

Signature Not Verified

Signed By: SHALOO

BATRA

Location: 

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husband of the petitioner is admitted in INHS ASVANI Hospital, Mumbai and his condition is critical.

3. It is the case of the petitioner that while the husband of the petitioner was posted at 01 Wing Air Force Station, Srinagar, he contracted uncontrolled hypertension, diabetes mellitus Type-II (DM-Type II) and obesity for which he was placed at A4G4 (T-12) in October, 2018, and later upgraded as A4G3 (T-12) in April, 2019. In August, 2019, he was transferred to 15 BRD, Air Force Station Vadsar at Ahmadabad, where his condition did not improve.

4. The petitioner further avers that in a Medical Board held in February, 2021, at Military Hospital, Ahmadabad, the husband of the petitioner was re-categorized as A4G4 (P), which is the most inferior medical category among Air Warriors, however, at the insistence of the respondent no. 4, he was upgraded to A4G4 (T-24) without exempting him from duties warranting physical and mental stress.

5. The petitioner asserts that in spite of the husband of the petitioner being graded under category G4 whereunder the officer cannot be employed in activities demanding severe physical and mental stress, the respondent nos. 3 and 4 have compelled the husband of the petitioner to perform duties requiring strenuous activities and later inflicted him with punishment of 'reprimand' under Section 82 of the Air Force Act, 1950.

6. The petitioner further asserts that the respondent no. 3 has threatened that the husband of the petitioner shall be terminated from service without any terminal benefits.

7. At the outset, it is noted that though the petitioner has made allegations against the medical re-categorization of her husband in February 2021, it is not shown as to whether the petitioner's husband has ever challenged the said re-categorization.

8. Similarly, it is not shown as to whether the husband of the petitioner has ever challenged the punishment awarded to him.

9. The allegation of malice against the respondent nos. 3 and 4 are also completely vague and bereft of any particulars. It is not pleaded as to why the respondent nos. 3 and 4 would have any malice against the husband of the petitioner.

10. In view of the above, we find no merit in the present petition. The same is dismissed. There shall be no order as to costs.

NAVIN CHAWLA, J

MANMOHAN, J

OCTOBER 29, 2021
RN/U.