

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

**COCP-1500-2014 (O&M)
Date of decision: 07.07.2023**

Kamlesh Kumari

....Petitioner

Versus

R.K. Mathur and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

Ms. Anita Balyan, Advocate
for the respondents.

ARVIND SINGH SANGWAN J. (Oral)

This petition is pending since 2014.

The petitioner alleges non-compliance of the order dated
31.07.2009 passed in CWP No.5380 of 2009. The operative part of the
said order, reads as under:-

“It is admitted case of the parties that the issue involved in the present petition is covered by a judgment of the Hon’ble Supreme Court, passed in Civil Appeal No.6587 of 2008, titled as Union of India & others vs Rajpal Singh, followed by a Division Bench of this Court in CWP No.17911 of 2007 decided on 11.12.2008, wherein following observations have been made:-

“In view of the above, it is held that the discharge of the petitioner was not in accordance with the prescribed procedure. Accordingly, we all these writ petitions set aside the discharge of the petitioners and direct the respondents to reinstate the petitioners in service with all consequential benefits. The respondents are, however, not precluded from holding the Invaliding Medical Boards after such joining in accordance with law as per the Army Act, 1950, The Army Rules, 1954 and Army Instructions.”

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The petitioner shall be entitled to the same relief as granted in the aforesaid petition.”

Counsel for the respondents submit that the entire payment has been made including the payment of costs.

Counsel for the respondents has referred to the affidavit of OIC, Legal Headquarter, to submit that necessary compliance has already been made and the payment has been made.

Accordingly, the present petition is disposed of having been rendered infructuous.

However, liberty is granted to the petitioner to avail the alternative remedy in accordance with law, if so advised.

(ARVIND SINGH SANGWAN)
JUDGE

07.07.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No