

122 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11227-2023

Date of Decision:21.11.2023

KAMAL KUMAR

..... Petitioner

Versus

UNION OF INDIA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. S.K. Yadav, Advocate for the petitioner.

Ms. Anita Balyan, Senior Panel Counsel
for the respondents- UOI.

JAGMOHAN BANSAL, J. (Oral)

1. On 16.08.2023, the following order was passed:

“1. Mr. S. K. Yadav, learned counsel for the petitioner, at the outset, submits that identical issue is pending before a Division Bench of Delhi High Court which vide order dated 01.06.2023 in Akshay Versus Union of India and Others; W.P. (C) 7731/2023 has directed the respondents to permit the petitioners to join induction training. The petitioner may be extended same relief.

2. On being confronted with the aforesaid order, Ms. Anita Balyan, learned counsel for the respondents submits that order dated 01.06.2023 passed by Delhi High Court is an interim arrangement and it is subject to outcome of final decision of the case. The next date of hearing in the matter is 22.08.2023.

3. Learned counsel for the respondent is unable to distinguish facts of the present case from the interim order dated 01.06.2023 passed by Delhi High Court. The relevant extracts of said order read as:-

“13. Learned CGSC for respondents has informed

this Court that the Induction Training of the batch in question has already started from 25.05.2023 and the training for next batch for the post in question is likely to commence in September/October, 2023 and that the petitioner may be directed to join the said batch subject to the outcome of present petition after completion of all other required formalities.

14. Petitioner is present in person and has informed this Court that he has already been medically examined and he has been found fit.

15. Learned CGSC for respondents submits that she does not have instructions to this effect.

16. In view of the aforesaid, subject to petitioner producing document pertaining to his medical fitness before the competent authorities, respondents are directed to permit petitioner to join the Induction Training which has commenced on 25.05.2023 without any further delay. However, if the selection process has already concluded and the vacancies for the OBC category candidates have been filled-up, the petitioner be permitted by the respondents to join the Induction Training with the next upcoming batch, provided he is successful in the selection process, subject to fulfilment of other criteria fixed by the respondents. It is made clear that if petitioner is able to make through the selection process, his seniority shall be treated at par with his batchmates.

17. At this stage, learned CGSC seeks time and granted six weeks to file counter-affidavit. Rejoinder thereto, if any, be filed within two weeks thereafter.

18. Needless to say that the above-said interim arrangement is subject to outcome of the present petition.

19. Meanwhile, the respondents are at liberty to verify the certificates produced by the petitioner as to whether the said certificates are genuine or not.

20. Renotify on 22.08.2023.”

4.This Court is of the opinion that petitioner is entitled to same interim relief as has been granted by Division Bench of Delhi High Court in the case of Akshay (supra). Accordingly, respondents are directed to permit the petitioner to join the training which is going to commence in September/October, 2023. The petitioner would be permitted to join training subject to compliance of all other conditions and formalities.”

2. Learned counsel for the parties are ad idem that present petition has rendered infructuous.
3. Disposed of as having been rendered infructuous.

(JAGMOHAN BANSAL)
JUDGE

21.11.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No