

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

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**2023:PHHC:152150
CWP-14270 of 2022(O&M)
Date of Decision:30.11.2023**

Ajay Singh

....Petitioner

VS.

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Nikhil Anand, Advocate
for the petitioner

Mr. Shivoy Dhir, Senior Panel Counsel
for the Union of India

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to grant service benefits for the period from 17.02.2014 to 29.05.2020.

2. The petitioner was selected and appointed on the post of Constable (G.D.). His services came to be terminated after subjecting him to medical examination in which he was found medically unfit. The petitioner was not appointed on permanent basis and he was still under training, thus, respondents invoked Rule 6 of Central Civil Services (Temporary Service) Rules, 1965. The petitioner challenged medical certificate dated 19.10.2013 before this Court by way of CWP No. 9025 of 2018. The said writ petition

came to be disposed of vide order dated 04.09.2019. The relevant extracts of the order dated 04.09.2019 read as:-

“5. Irrespective of temporary or permanent employee before termination his/her services on medical ground, it was necessary for the respondents to subject such person for medical examination before the medical board consisting of experts. Therefore, there is infirmity in Annexures P4 and P7 to the extent that petitioner was not subjected to medical examination by medical board. Accordingly, medical certificate dated 19.10.2013 (Annexure P-4) and discharge slip dated 04.01.2014 (Annexure P7) wherein the petitioner is shown suffering from 'severe depression' and consequential order dated 17.02.2014 (Annexure P-8) are set aside.

6. Writ petition is allowed with liberty to the respondent to examine the petitioner through the medical board and take further action in accordance with law, after giving due opportunity to the petitioner.”

Pursuant to the aforesaid order, the petitioner came to be appointed on the post of Constable (G.D.). The petitioner after getting appointment, requested the respondents to extend service benefits for the period from 17.02.2014 to 29.05.2020. The respondents have rejected claim of the petitioner.

3. Learned counsel for the petitioner submits that in similar circumstances, another Constable namely Satwant Singh was dismissed from service. He filed CWP No. 7833 of 2011 before this Court which came to be allowed vide order dated 16.10.2019. The petitioner therein was

granted liberty to approach the respondent(s) for all consequential benefits. The respondents considered request of Satwant Singh and extended him consequential benefits.

4 Faced with this, learned counsel for Union of India asserts that respondents would re-consider claim of the petitioner and an appropriate order would be passed in the light of case of Satwant Singh.

5. Learned counsel for the petitioner agrees to the aforesaid arrangement.

6. In the wake of statements of both sides, the petition stands disposed of. Needful shall be done within three months from today.

(JAGMOHAN BANSAL)
JUDGE

30.11.2023
paramjit

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