

CWP-22023-2019 (O&M)

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2023:PHHC:139429

120+245

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22023-2019 (O&M)

Date of Decision:02.11.2023

SURENDER SINGH

..... Petitioner

Versus

UNION OF INDIA AND OTHERS

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Aditya Yadav, Advocate
for the petitioner.

Mr. Sudhir Nar, Senior Panel Counsel
for the respondents-UOI.

JAGMOHAN BANSAL, J. (Oral)

CM-19110-CWP-2019

Allowed as prayed for.

CM-19112-CWP-2019

Application for placing on record written statement, is allowed, in view of the averments made in the application. Said document is taken on record. Office to append the same at appropriate place.

CM stands disposed of.

CWP-22023-2019

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of medical report dated 18.12.2018 (Annexure P-2) and order dated 11.01.2019 (Annexure P-3) whereby category of the petitioner has been changed

from SHAPE-1 to SIHIP3 (T-12) EI.

2. On 01.04.1988, the petitioner joined BSF as Constable (General Duty). On 15.06.1996, the petitioner was promoted to the post of Assistant Sub Inspector (Ministerial) Cadre. On 06.04.2011, the petitioner was further promoted to the post of Sub Inspector and was posted Force Headquarter Communication Directorate, New Delhi. The petitioner was promoted to the post of Inspector, however, he has not been assigned rank as well as posting on account of medical condition.

3. The claim of the respondent is that the petitioner is suffering from cardiac problem whereas petitioner is claiming that he is medically fit. He is not suffering from any kind of cardiac problem and he is ready to undergo medical examination.

4. Faced with this, learned counsel for the respondent concedes that petitioner would be subjected to medical examination by Medical Board and if he is found medically fit and free from cardiac problem, he would be extended due benefits.

5. In the wake of statement of learned counsel for the respondent, the petition stands disposed of. The petitioner shall be subjected to medical examination within 1 months from today and thereafter an appropriate order would be passed within 1 month.

(JAGMOHAN BANSAL)
JUDGE

02.11.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>