

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15666-2016 (O&M)
Date of Decision:16.04.2024

TARA CHAND..... Petitioner

Versus

UNION OF INDIA AND ORS..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Rajeev Anand, Advocate
for the petitioner.

Mr. Somesh Gupta, Senior Panel Counsel
for the respondents-UOI.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 10.12.2015 (Annexure P-13) and order dated 23.07.2016 (Annexure P-15) whereby claim of the petitioner for Assured Career Progression Scheme (for short ‘ACP’) has been rejected.
2. Mr. Rajeev Anand, Advocate submits that petitioner in the year 2001 was permanently incapacitated on account of injuries suffered in a bomb blast at Kashmir. The said blast was planned by Jaish-E-Mohammed. He continued to work despite being in Low Medical Category. The petitioner was entitled to ACP on completion of 24 years of service. He was entitled to relaxation from physical test as well as other tests in view of office order dated 30.07.2013 issued by Directorate

General, Training Branch CRPR, New Delhi. The petitioner was not detailed for promotional course on the ground that he is in Low Medical Category. The decision of respondent was contrary to office order dated 30.07.2013 (Annexure P-10) read with office order dated 14.09.2000 (Annexure P-9).

3. Mr. Somesh Gupta, Senior Panel Counsel submits that petitioner was not extended benefits of ACP because he was in Low Medical Category and he did not complete promotional course.

4. On being confronted with the fact that petitioner was ready to undergo promotional course, Mr. Somesh Gupta, Senior Panel Counsel submits that petitioner was in Low Medical Category and he did not meet requirement of relaxed criteria, thus, he was not eligible for appearing in promotional course.

5. From the reply of the respondent as well as oral submissions, it appears that respondent did not permit petitioner to undergo promotional course without noticing office order dated 30.07.2013 (Annexure P-10). The petitioner as per instructions was bound to clear written test, however, at this stage, it is neither possible for the respondent to conduct written test nor for this Court to ask the respondents to conduct written test for the petitioner. The respondent has conceded that he was not detailed for written test because he was in Low Medical Category.

6. In the wake of peculiar facts and circumstances of the case, this Court finds it appropriate, without commenting upon merit of the case, to direct the authorities to re-consider claim of the petitioner, in the light of different instructions issued from time to time with respect to

officials who are in Low Medical Category and have suffered wounds during war like situation.

7. Disposed of in the above terms.
8. Pending misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

16.04.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>