



CWP-851-2020

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

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CWP-851-2020

Date of decision: 21.11.2024

Ajay

....Petitioner

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. S.S.Duhan, Advocate,
for the petitioner.

Mr. Vijay Kumar Chaudhary, Sr. Panel Counsel,
for the UOI-respondents.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the impugned orders dated 30.07.2019 and 20.11.2019 (Annexure P-8) and (Annexure P-20), whereby the petitioner has been declared unfit for selection of Airman X Group, regarding which reliance is placed on the report of Pt. B.D.Sharma, PGIMS, Rohtak (Annexure P-16).

2. Learned counsel were *ad idem* that the issue involved is pending in LPA-690-2020, **Union of India and others vs. Neeraj Mor**, as recorded in the order dated 04.12.2020, in wake of which the matter was adjourned *sine die*, to be listed after decision of the said LPA, which

now stands allowed, vide judgment dated 23.05.2022, operative part whereof reads thus:

“In such circumstances, we are of the considered opinion that the learned Single Judge was justified as such in ordering the re-examination by the Medical Board and no prejudice has been caused to the Union of India.

Accordingly, the present appeal is misconceived and is dismissed.”

4. In the judgment that was made subject matter of the above Letters Patent Appeal, it had been observed and held thus:

“In view of above without adverting on to the merits of the case, the present case stands disposed off with directions to the respondents to conduct a fresh medical examination by constituting a Medical Board at All India Institute of Medical Science or Command Hospital Hissar or PGIMER, Chandigarh or at the Army Hospital Research and Referral Institute or any other institute, which the respondents may so wish.

Let needful be done within a period of two months from today. The petitioner shall bear all the expenses.

In case, the petitioner is found medically fit, then he would be given the benefit of his earlier selection and deputed for training, in accordance with law.”

5. Learned counsel for the respondents despite his best efforts is unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.

6. In wake of the above, the present petition is disposed of in terms of **Union of India and others (supra)**.

21.11.2024

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No