



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

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CWP-13817-2015
Date of decision: 08.08.2025

SURENDER KUMAR

.....Petitioner

VERSUS

UNION OF INDIA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Pawan Kumar Sharma, Advocate
for the petitioner.

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

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present petition is to the opinion of the Medical Board dated 22.05.2012 on the ground that the same had been conducted, in the absence of the petitioner, and only to oust the petitioner without giving any service benefits and to the order of termination dated 05.10.2013 (which was even though passed on his own request, owing to his backache for more than two years and the same being incurable).

2. A perusal of the order sheets shows that the matter had seemingly been argued at some length at an earlier occasion and also that the Bench was seemingly not inclined to accept the plea of the petitioner for



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having sought discharge from service on his own request, hence, the petitioner prayed in the alternative that he would be satisfied if a benevolent view is taken by the respondents with regard to compensation on the grounds of his discharge. The operative part of the order dated 19.11.2018 reads thus:

“After arguing the matter at some length, learned counsel for the petitioner states that he would be satisfied that if a benevolent view is taken by the respondents with regard to some compensation on the ground of his having been discharged from service. Even though discharge from service was at his own request.

Learned Additional Solicitor General of India appearing for Union of India seeks time to get instructions qua the same.

Adjourned to 18.12.2018.”

3. The matter was taken up yet again on 02.07.2019 where Counsel for respondents averred that vide order dated 20.02.2019 passed by the respondents, the request of the petitioner for grant of ex-gratia compensation had been declined. Counsel for the petitioner then sought time to take appropriate steps regarding the same. The order reads thus:-

“Learned Senior counsel for the respondent-UOI submits that he has already supplied a copy of order dated 20.02.2019 to the learned counsel for the petitioner whereby the claim of the petitioner for grant of ex-gratia compensation has been rejected during pendency of the writ petition.



Learned counsel for the petitioner seeks time to take steps qua the same.

Adjourned to 01.10.2019.”

4. Since then, the matter has been taken up on as many as 08 occasions spanning a period of 06 years, however, no steps have been taken to impugn the order or to point out as to what defect does the order suffer from.

5. Although an emphatic argument is raised by the Counsel for the petitioner that a sympathetic view needs to be taken and ex-gratia compensation needs to be awarded or the case be examined on merits in the alternative, however, I am afraid that such an argument cannot be accepted in the manner as has been proposed. A perusal of the orders extracted above establishes that the arguing Counsel for the petitioner had confined his prayer to the alternative relief i.e. for grant of compensation, hence, after 19.11.2018, the grievance was confined and merits of the order of discharge on the request of the petitioner can not be gone into by the subsequent bench. Further, the subsequent order dated 20.02.2019 declining the request for compensation was duly supplied to the petitioner on 02.07.2019, hence, it was incumbent upon the petitioner to take appropriate steps in law, if so advised, against the said order and to impugn the same in an appropriate proceedings and establish his rights and showing as to how the said order suffered from perversity, illegality or non-appreciation of the law and the facts. The needful having not been done, this Court cannot at this juncture,

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in the absence of any challenge to the order dated 20.02.2019, comment on the merits of the same.

6. The present writ petition is accordingly dismissed in so far as the order of discharge/termination dated 05.10.2013 is concerned. Liberty is however granted to the petitioner to take recourse to an appropriate remedy in law against the order dated 20.02.2019 declining the claim of the petitioner for grant of ex-gratia compensation, if so advised, but without prejudice to the rights of the respondents to take any/all objections.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 08, 2025*Vishal Sharma*

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No