

(2022) 08 DEL CK 0006

In the Delhi High Court

Case No : Civil Writ Petition No. 1503 Of 2022

C P Trivedi

APPELLANT

Vs

Union Of India And Ors.

RESPONDENT

Date of Decision : 02-08-2022

Acts Referred:

Citation : (2022) 08 DEL CK 0006

Hon'ble Judges : Suresh Kumar Kait, J;Saurabh Banerjee, J

Bench : Division Bench

Advocate : Ankur Chhibber, Nikunj Arora, Vijay Joshi, Sahaj Garg, Lalit Sharma, Nitin Chaturvedi

Final Decision : Disposed Of

Judgement

W.P.(C) 1503/2022 & CM APPL. 8243/2022

1. The present writ petition was disposed of vide judgment dated 25.01.2022 directing the respondent No.2 to treat the present writ petition as a representation by the petitioner and decide the same by way of a reasoned order, in accordance with law, within six weeks.

2. Thereafter, the CM APPL.8243/2022 was filed by the petitioner seeking directions to the respondents to keep the derailment of re-categorisation Medical Board as ordered vide letter dated 09.02.2022 and 11.02.2022 in abeyance till reasoned disposal of the representation of the petitioner as directed by this Court vide judgment dated 25.01.2022. The said application was taken up on 15.02.2022 and learned counsel for petitioner contended that the impugned orders have been issued deliberately to declare the petitioner fit for service and to overturn the recommendation of the previous medical board, whereby the petitioner was assessed with 58% disability and declared unfit for service. Learned counsel further submitted that the intent of the respondents is to reject the petitioner's claim for disability pension despite the petitioner suffering from ailments and disabilities for almost two decades.

3. Learned counsel for petitioner submits that instead of treating the present writ petition as a representation by the petitioner in terms of judgment dated 25.01.2022 passed by this Court, the respondents constituted a new medical board declaring the initial medical board not constituted in accordance with procedure, however, the same which was not in terms of judgment dated 25.01.2022 passed by this Court.

4. However, be that as it may, being aggrieved the petitioner vide W.P.(C) 5280/2022 has challenged the subsequent decision of the respondents. It is pertinent to mention here that the CM. Appl. 8243/2022 was taken up on 15.02.2022 whereas the W.P.(C) 5280/222 was filed on 29.03.2022. Since the fresh petition has been filed, therefore, no order is required to be passed in the present application.

5. Accordingly, the CM. Appl.8243/2022 is disposed of.

6. Present petition is already disposed of.

7. Needless to state that the observations made in CM.Appl.8243/222 and challenge made in the said application shall not prejudice the rights and contentions of the parties in W.P.(C) 5280/2022.