



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-12661-CWP-2025 in/&
CWP-16007-2025 (O&M)

Date of Decision: 08.09.2025

AJIT SINGH

...Petitioner

Versus

UNION OF INDIA AND ORS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Shubham Kumar, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

CM-12661-CWP-2025

The present application has been filed for restoration of the main writ petition by recalling the order dated 20.08.2025, by which the writ petition was dismissed for non-prosecution.

Keeping in view the facts mentioned in the application, which is supported by an affidavit, the order dated 20.08.2025 is recalled and the writ petition is restored to its original number. On the request of learned counsel for the petitioner, the writ petition is taken on board for consideration.

CM stands disposed of.

CWP-16007-2025 (O&M)

1. In the present petition, the challenge is to the impugned order dated 08.08.2024 (Annexure P-1) passed by the Armed Forces Tribunal,



Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, the prayer raised by the petitioner that the discharge of the petitioner from service vide order dated 10.06.2017 is in fact wrong and should be set aside, has been rejected and is causing prejudice to the petitioner.

2. Learned counsel for the petitioner submits that the petitioner was appointed as a Store Keeper Technical (SKT) with corps of engineers on 16.12.2014 and he has failed to clear the CL-III/08 test within the maximum three chances available. Further, the Board of Officers examined the feasibility of changing the trade as GD Soldier, but this was also not possible as petitioner did not fulfil minimum physical requirement, though the case was taken up to higher Headquarters to dispense with physical standard but the same was also rejected on ground of IHQ of MoD (Army) Policy dated 14.12.2016 and accordingly, was discharged on 10.06.2017. Learned counsel for the petitioner submits that the said policy was only imposed after the appointment of the petitioner in the year 2014 and henceforth, the retrospective application of the same cannot be made, which fact has been ignored by Tribunal while declining vide order dated 08.08.2024.

3. We have heard learned counsel for the petitioner and have gone through the case file with his able assistance.

4. It is a conceded position that the condition of passing of the CL-III/08 test has not been disputed. It is also not disputed that the said test is to be passed within the maximum three chances. The said clearing of the examination was made applicable by a policy dated 14.12.2016, which is being argued that same cannot be made applicable for an appointee of 2014.



Once a test has been prescribed to see the competency of a person to remain in job, which test, despite three opportunities, could not be cleared by the petitioner, it cannot be said that the appointee of 2014 was not required to pass such test.

5. Further, there is no challenge to the policy dated 14.12.2016 either before the Tribunal or before this Court and no provision of the policy has been shown that it is not applicable upon the employees, who were in service when the policy was formulated and cannot be applied retrospectively.

6. No other argument has been raised.

7.. Hence, in the absence of any perversity being pointed out in the impugned order dated 08.08.2024 (Annexure P-1) either on the basis of the facts or the settled principle of law, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

8. Accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 08, 2025
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Whether speaking/reasoned	Yes
Whether reportable	No