2023:PHHC:149216

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP-4269-2013
Date of decision: 23.11.2023

ANJANA SAINI .....Petitioner

VERSUS

UNION OF INDIA AND OTHERS .....Respondents

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

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Present:- Mr. Aalok Jagga, Advocate with
Mr. Harshit Anand, Advocate
for the petitioner.

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VINOD S. BHARDWAJ, J. (Oral)

Amongst the prayers made by the petitioner in the present writ petition one of them was that the appointment of respondent No.5 to the post of Consultant Incharge of the Genetic Laboratory be discontinued as she did not possess the mandatory eligibility qualification. It is fairly conceded by the learned counsel that the respondent-authorities have already discontinued the engagement of respondent No.5. Hence, the petition does not survive any further in so far as the above aspect is concerned. He however contends that the question of seeking compensation however still remains alive since the petitioner gave birth to a specially abled child and has to undergo huge & recurring medical expenses and liabilities on account of the wrong opinion & advice given by respondent No.5 at the time of conception of pregnancy. He fairly concedes that the said determination would involve disputed questions of fact for computation of compensation and

award thereof and that the petitioner would have an efficacious alternative remedy for raising the above said claim before a competent Court.

Taking into consideration the above said submissions as well as the reasons, the present writ petition is disposed of as not pressed at this stage with liberty to the petitioner to pursue his alternative remedies for seeking compensation, if so advised.

Needless to mention that the present writ petition had been instituted in the year 2013 and has remained pending before this Court. The period during which the present writ petition has remained pending shall be duly taking into consideration while computing limitation in the event of filing of any such claim petition.

The writ petition is hence disposed of as not pressed with liberties as above.

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 23, 2023
Vishal sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No