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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 469/2013

NIDHI VERMA

.....Petitioner

Through: Mr. Praveen Agrawal, Mr. Rohit Dhamija and Mr. Rishesh Sharma, Advs.

Versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Vivek Goyal, CGSPC with Mr. Gokul Sharma, Mr. Kalyan Babu Singh and Ms. Priyanka Singh, Advs. for UOI

**CORAM:**

**HON'BLE MS. JUSTICE REKHA PALLI**

**HON'BLE MS. JUSTICE SHALINDER KAUR**

**ORDER**

**08.08.2024**

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1. The present case depicts a sad state of affairs, where the training of a young lady from a rural background in Haryana was not only terminated but she has been also left to take care of all present and future medical needs by offering to pay a meagre monthly ex-gratia payment.
2. The petitioner has approached this Court seeking quashing of order dated 01.03.2012 vide which her training and cadetship in the Air Force Academy was terminated. She has in the alternative, prayed that in case, she cannot at this stage be commissioned in the Flying Branch, the respondents be directed to induct her in the Technical Branch or any other Ground Duty Branch of the Indian Air Force, for which she is fully eligible.



3. We may note that it is the common case of the parties that the petitioner was, on 31.01.2011, injured while undergoing training due to which she was declared medically unfit for being commissioned in the Flying Branch. Consequently, her training and cadetship was terminated vide the impugned order.

4. A Court of Inquiry was held to investigate into the circumstances which led to the injury caused to the petitioner. The said Court of Inquiry not only opined that the injury suffered by her was attributable to service, but also opined that the system of training being imparted by senior cadets to junior cadets could lead to further injuries, and therefore, should be stopped. Further, the Court of Inquiry also observed that the optimum procedure for rolling of cadets, after the training steps was not being properly followed and therefore, recommendations were made that these steps should be incorporated in the training.

5. The petition is sought to be vehemently opposed on behalf of the respondents who contends that even if the petitioner is now fit and not suffering from any disability or ailment, she cannot be inducted in the Indian Air Force at this belated stage when she has already attained the age of 36 years. Further, in response to the petitioner's prayer that she may be inducted in the Ground Duties of the Indian Air Force, the respondents reiterated that such induction was not possible at this stage as she had not opted for Ground Duty while filling the form for being commissioned in the Indian Air Force.

6. On the last date after we had heard the matter at some length, learned counsel for the respondents, on instructions, had submitted that the petitioner in view of the termination of training on medical grounds, would



be entitled to receive monthly ex-gratia payment for life along with additional disability award, which amount as per the respondents would presently work out to be about Rs.22,000/- per month.

7. The petitioner, who was present in Court, had, however, submitted that even if she were to accept her fate that she could not be now commissioned in the IAF, the respondents should at least make some provisions for her further medical treatment on account of the spinal injury suffered by her during the training at IAF.

8. Today, learned counsel for respondents submits that there is no provision of any kind to render any medical assistance to the trainees like the petitioner who are injured during training and are therefore not commissioned in the Indian Air Force. He further submits on instructions, that such provisions for medical assistance are available only for ex-service personnel and pensioners. Consequently, the petitioner who has undergone training for only one year not being an ex-service personnel would not be entitled to any medical assistance even in the future.

9. We find this explanation to be most unsatisfactory as we are unable to comprehend as to how the Indian Air Force can shirk of its' responsibility to render medical assistance to young persons like the petitioner, who suffer injuries during training and that too, in a case like the present where it has been specifically recorded that injuries suffered by the petitioner were attributable to service. Further, as noted hereinabove, the Court of Inquiry conducted to investigate the incident, had clearly found that there were shortfalls in the training and recommendations were, therefore, made to improve the training.

10. At this stage, learned counsel for the respondents prays for time to



place on record the applicable SOP/Guidelines framed for dealing with the cases of trainees who are injured during training and are consequently not commissioned in the Indian Air Force.

11. Re-notify on 20.08.2024.

**REKHA PALLI, J**

**SHALINDER KAUR, J**

**AUGUST 8, 2024**

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