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

+ **W.P.(C) 8976/2026 & CM APPL. 42027/2026**

BIR SINGH

.....Petitioner

Through: Mr. Raghunath Pathak, Ms. Harshita Nigam, Mr. Vishal Pathak, Mr. Mrinal Kaushik, Advs.

versus

UNION OF INDIA AND OTHERS

.....Respondents

Through: Mr Attin Shankar Rastogi, Mr Adil Vasudeva, Ms Jigyasa Prashar Advocates for R-1 to 3
Mr Devinder Singh DL(JAG) ITBP (Respondents AR)

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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08.07.2026

1. This is a petition filed under Article 226 of the Constitution of India, 1950, seeking the following prayers: -

“a) Issue a Writ in the nature of certiorari or Mandamus or such other appropriate writ or orders to quash and set aside the impugned Notice No. 1303 dated 09.06.2026 issued by Respondent No. 3 and direct the respondents to rehabilitate the petitioner as per the clause 7 of the standing order 01/2013.

b) Direct the Respondent No. 3 to supply all medical records, proceedings and recommendations pertaining to the Petitioner's case.

c) Direct the respondent for constitution of an independent medical board from any government hospital preferably AIIMS, Safdarjung Hospital or RML, Delhi so as to ascertain the actual medical condition of the petitioner. d) Direct the Respondent No.2 to consider the Petitioner's case



for rehabilitation and sheltered duties strictly in accordance with Standing Order No. 01/2013; and such other order(s)

e) Direct the Director General, ITBP not to take any coercive action against the petitioner till decision of the representation dated 21.06.2026 is decided.”

2. By way of the present petition, the petitioner challenges the show-cause notice dated 09th June 2026 for termination of his services on an opinion/recommendation given by the Invalidation Medical Board (IMB).
3. The counsel for the petitioner draws the attention of this Court to a judgment rendered by the learned Division Bench of this Court in **W.P.(C) 12971/2025** dated 27th August 2025.
4. It is pointed that the respondents have not complied with the Standing Order No. 01/2013 dated 20th March 2013 on the subject “Disposal of Permanent Low Medical Category Cases and Rehabilitation of Permanent LMC Personnel of ITBP Force”
5. Our attention has been drawn to para 11 of the said judgment which reads as under:

*“11. In the meanwhile, the respondents issued Standing Order 01/2013 on 28 March 2013 on the subject “Disposal of Permanent Low Medical Category cases and Rehabilitation of Permanent LMC Personnel of ITBP Force”. **Clause 6 of the Standing Order requires the Disability Rehabilitation Board to examine the physical and mental capabilities, aptitude, job requirements etc., and the health condition of the persons and thereafter make a recommendation as to whether the said individual can be rehabilitated within the force by assigning jobs mentioned in Clause 7 or whether he was entirely unfit for any kind of duty. The relevant clauses of the Standing Order may be reproduced thus:***

“6. This Board will subject the person concerned to critical examination with a view to determine his physical/mental capability, aptitude, job requirement etc. and after assessing capability and health condition of the person, will recommend specifically that:-

(i) Whether, he/she can be rehabilitated within the Force by assigning the jobs mentioned in para 7 below as per his /her physical and mental health condition.

Or



(ii) The person is not fit for any kind of duty in the department (with specific reasons) therefore recommended to be invalidated out.

7. The various jobs which can be given to the persons required to be rehabilitated / recommended any of the tasks for him / her as specified below:-

a. Duties for OR

- i. Canteen (Dry / wet) / co-operative store / shop.
- ii. Control room duty / telephone operator/ telephone attendant
- iii. Office assistant
- iv. Attendant in recreation room
- v. Welfare center
- vi. School Bus duty
- vii. WT/signal dak runner
- viii. Temple priest
- ix. Store man / NCO
- x. Water tanker duty
- xi. Hygiene and sanitation NCO
- xii. LO duty
- xiii. Post office / Bank duty
- xiv. Duty in Officer's Mess /SOs Mess/ ORs Mess
- xv. Conductor duty in school Bus / other ITBP Buses
- xvi. Electrician duty after necessary training
- xvii. Gardener duty
- xviii. Sick report NCO
- xix. Line NCO
- xx. Hospital attendant to other sick person
- xxi. Dak / office runner
- xxii. Lineman
- xxiii. Company clerk duty
- xxiv. Any other job considered suitable for the individual not mentioned above.

b. Duties for SO

- i. Control room duty
- ii. Canteen SO
- iii. Welfare Centre SO
- iv. SO in QM Branch
- v. Admin SO at Transit Camps
- vi. Admn SO at Trg Centres
- vii. Computer and internet related jobs
- viii. Ops branch SO
- ix. Training SO
- x. LO with senior officers
- xi. Any other job consider suitable for the individual not mentioned above.



c. Duties for Officer

- i. Duties at BHQ /SHQ/ Ftr HQ/Force HQ etc*
- ii. Adjutant /QM/ Training Officer / Admin Officer / MTO / Staff Officer depending on aptitude etc.*
- iii. Any other job considered suitable for individual not mentioned above.”*

(emphasis supplied)

6. It is the submission of the learned counsel for the petitioner that the Disability Rehabilitation Board (DRB) constituted has not applied its mind to the aforesaid relevant Clauses 6 and 7.
7. Learned counsel for the respondent, who appears on an advance notice, submits that the petitioner was referred to DRB and thereafter the DRB gave its opinion recommending its case to IMB.
8. Copy of the IMB proceedings have been handed up in Court today and is taken on record and the copy has been supplied to the learned counsel for the petitioner.
9. Attention of this Court has been drawn to internal page 04 of the said proceedings which reads as under:

“RETENTION CERTIFICATE FOR DRB REMARKS:-

RECOMMENDATION OF UNIT MO INDIVIDUAL IS UNDER LMC FROM PAST 13 YEARS WHICH IS SUGGESTIVE OF NO SIGNIFICANT IMPROVEMENT. AS PRESENTLY NOT HAVING ANY COMPLAINTS BUT CAPF SPECIALIST OPINION NOT DONE. HENCE COMMENT REGARDING RETENTION/NON RETENTION CAN BE ONLY MADE AFTER DRB SPECIALIST OPINION. RECOMMENDATION OF HOO NOT RECOMMENDED FOR RETENTION IN SERVICE, HOWEVER SPECIALIST OPINION CAN BE ACHIEVED BY BOARD.

DRB (COMPRISING OF SERVICE MEDICINE SPL AND EYE SPL) DT 12.02.2026 TO 14.02.2026

REMARKS & RECOMMENDATION -

REGI NO-900223349 CT/SK BIR SINGH IS F/U/C OF CAD, NSTEMI, TYPE-II DM, CENTRAL RE FINAL ARTERY OCCULSION LT EYE AND UNDER TREATMENT WITH SHELTERED EMPLOYMENT IN



LOW MEDICAL CATEGORY W.E.F 02.09.2013

THE DRB HAS SCRUTINIZED ALL AVAILABLE MEDICAL DOCUMENTS AND INTERACTED WITH INDIVIDUAL AND CONSIDERING THE MATERIAL ON RECORD, THE PROLONGED LOW MEDICAL CATEGORY; FINALITY OF TREATMENT BEING ACHIEVED & THE EFFECT ON END ORGANS: THE BOARD RECOMMENDS TO PLACE HIM UNDER LOW MEDICAL CATEGORY S1H1A1P5E3 W.E.F 12.02.2026.

THE BOARD IS OF THE OPINION THAT THE INDIVIDUAL IS TO BE PRODUCED BEFORE INVALIDATION MEDICAL BOARD (IMB) FOR FURTHER NECESSARY ACTION AS PER EXISTING GUIDELINES.”

10. It is the case of the learned counsel for the respondent that the petitioner is a case of sheltered appointment for more than 12 years and, therefore, the members of the board, after examining the medical ailment, have given the opinion with respect to his termination of service.
11. Heard learned counsels for the parties and perused the records.
12. Perusal of the aforesaid proceedings as well as the impugned show-cause notice reflects that there has been no application of mind by the competent authority with respect to options provided for in Clauses 6 and 7 of the aforesaid Standing Order No. 01/2013 dated 20th March 2013.
13. It is the opinion of this Court that once an option of rehabilitation has been provided for by the aforesaid Standing Order, the same ought to have been examined by the Board *qua* the petitioner.
14. The aforesaid exercise would have been in the interest of justice and should have been done so to examine whether the other option available in the aforesaid Standing Order, which is beneficial in nature, could be extended to the petitioner.
15. In these circumstances, the aforesaid show-cause notice is set-aside. The DRB shall re-consider the case of the petitioner within eight weeks from today, keeping in mind the aforesaid Standing Order, and in particular,



Clauses 6 and 7 thereof.

16. The petitioner will also be at liberty to place on record any independent opinion from the concerned specialist before the concerned DRB for their perusal and examination.

17. The petition has been disposed of in the above terms.

NITIN WASUDEO SAMBRE, J

AMIT SHARMA, J

JULY 8, 2026/DM/OK