

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6130 of 2014

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Abhay Kumar S/O Shri Pramod Singh A Permanent Resident Of Village-
Sirari Ps- Sheikhpura Dist.- Sheikapura, State- Bihar

.... Petitioner

Versus

1. Union Of India Through Dgp Crpf
2. The DGP, CRPF LGO Complex Lodi Road New Delhi
3. The IGP, B.S CRPF Patna
4. DIGP GC CRPF Muzaffarpur, Bihar
5. Commandant GC CRPF Muzaffarpur Bihar
6. The Departmental Rehabilitation Board, Bihar Sector, CRPF, Patna,
Through Its Chairman

... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajni Kant Jha, Adv.

For the Respondent/s : Mr. Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

7 09-03-2015

Heard learned counsel for the parties.

The prayer of the petitioner in this writ application reads
as follows:

“That this is an application for issuance of appropriate writ(s), order(s) or direction(s) in the nature of certiorari quashing the order dated 20.12.2013 contained in No. P.Three 1/2013-G.C.-Pension issued under the signature of the Commandant G.C. CRPF Muzaffarpur invalidating the petitioner out of service with effect from 20.12.2013 as well as in the nature of Mandamus commanding the respondents to reinstate the petitioner in service with all consequential benefits.”

When this case was heard earlier on 5.2.2015 this Court
having found the issue to be slightly covered by the technical

implications and as such, an order was passed seeking assistance of the expert of the organization, namely, Central Reserved Police Force (CRPF), the relevant portion of the order of this Court reads as follows:

“Having regard to the pleadings in this writ application, this Court would firstly require assistance from the competent officer of the C.R.P.F., who can explain that there was no anomaly in the report of the Medical Board declaring the petitioner to be 100% unfit for being retained in service of C.R.P.F. and that the petitioner’s service could not have been utilized on account of amputation of his legs and their being substituted by the artificial legs.”

Subsequently, the expert had appeared and the matter was further argued by the learned counsel for both the parties, whereafter an order was passed on 19.2.2015, relevant portion whereof reads as follows:

“ This Court in presence of Dr. Pankaj Kumar, SMO, 205, COBR, BN, CRPF (Gaya) and Mr. Sunil Kumar Pandey, SI (Legal), has also understood the specifications given in the report of the Medical Board but then on seeing the petitioner who is also present in the Court a question would arise as to whether, he has become absolutely unfit for being retained in the services of CRPF, specially when there are two types of duties available to the members of the force. The petitioner in fact was working on light duty for a period of more than eight years and there is no

complaint against him in performing such light duty.

Thus, if upon further verification by the Medical Board as to whether the petitioner's continued utility to do the work of light duty with his artificial limbs can be proved, this Court would find it expedient in the ends of justice to ascertain the view of the competent authority namely, I.G., CRPF, Bihar Centre for a reconsideration of the case of the petitioner.

Learned counsel for the respondents, prays for some time to get instructions from I.G., CRPF, Bihar Centre."

Today when the matter has been taken up learned counsel for the respondents has submitted that the respondents are prepared to reconsider the case of the petitioner for his being employed in such of the work with light duty which he can perform with the help of artificial limbs. He, however, says that this will require time of at least four months for taking such a decision after re-verification by the Medical Board.

This Court will have no difficulty in granting such time to the respondents because in the event the petitioner is found entitled for being re-employed for performing some sort of light duty with his artificial limbs his continuity in service shall be kept intact which may enable him to get the pensionary benefit at the end of service career. In other words, the petitioner may not get salary for the period in question but in the event he is found fit to

be continued in service for the work of light duty with his artificial limbs which he was already performing for the last eight years, the continuity in service from 20.12.2013 shall be kept intact for all other purposes and benefits.

That being so, this application is disposed of with a direction to the respondents to take a final decision with regard to the grievance of the petitioner within the aforementioned period of four months.

(Mihir Kumar Jha, J)

surendra/-

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