

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. NO. 11664 of 2015

P. Balaji

.. Petitioner

-vs-

- 1 Union of India
Represented by its Secretary to Government
Ministry of Home Affairs New Delhi.
 - 2 The Director General
Central Reserve Police Force Head Quarters
CGO Complex Lodhi Road New Delhi-110003.
 - 3 Inspector General of Police
Central Reserve Police Force Southern
Sector Road No.10-C Jubilee Hills Near
New MLA/MPs Colony Gayathri Hills
Hyderabad-500033.
 - 4 Deputy Inspector General of
Police Group Center
Avadi Central Reserve
Police Force Avadi Chennai-65.
- .. Respondents

PRAYER : This Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4th respondent in his order No. R.II-4/2013-GC-EC.V dated 26.12.2013 and consequent confirmation order of the 3rd respondent in his order No.R.XIII-31/14-Adm-7 dated 27.05.2014 passed by the appellate authority the 3rd respondent herein and quash the same and to direct the respondents to reinstate the petitioner into service as to CT/Barber with full backwages and other service benefits and pass such further orders.

For petitioner : Mr. R. Shankar

For respondents : Mr. B. Ramaratnam
Central Government Standing Counsel

ORDER

This Writ Petition has been filed by Mr. P. Balaji, challenging the impugned order wherein the fourth respondent, on receipt of the Medical report had held that the petitioner being affected with Seizure Disorder and also has been taking treatment since his childhood, cannot be a fit person to be a Barber and on this ground of incompatibility terminated his services. As against the same, the petitioner preferred an appeal before the third respondent unsuccessfully, who had also rejected the same, upholding the order passed by the 4th respondent, as against which the present writ petition is filed.

2. Learned counsel appearing for the petitioner would submit that when the petitioner has produced the scan report issued by Bharat Scan Centre certifying that the petitioner was having no complaint whatsoever, the fourth respondent ought not to have taken a different stand to come to the conclusion that he was suffering from Seizure Disorder from his childhood, therefore, the impugned order of termination is liable to be set aside and consequently the petitioner should be reinstated in service with back wages.

3. Mr. B. Ramaratnam, learned Central Government Standing Counsel taking notice for the respondents, heavily submitted that when the Medical Board found the petitioner unfit for service in Armed Forces, he cannot maintain this writ petition. By consent of both the parties, the matter is taken up for disposal at the stage of admission itself.

4. The petitioner was subjected to a medical test before a competent Medical Board at Composite Hospital, Avadi and after assessment of his suitability for the post of Barber by the competent Medical Board, a report was issued in Signal No.P.III.5 /2013-Admn-6 dated 04.09.2013. Based on the said report, the respondents came to the conclusion that the petitioner is having a disease "Seizure Disorder" (Epilepsy) even before his entry in Central Reserve Police Force that on regular anti-epileptic medication since last 8 years with H/o relapse several times and that he requires life long anti-epileptic medication. Therefore, he was found unfit for service as a combatant in Armed Forces. Such an assessment and conclusion reached by the Medical Board cannot be doubted or differed. Therefore, the petition fails and the same is liable to be dismissed. Besides, the petitioner was terminated from service by giving him one month pay and allowances in lieu of notice period, hence, the contention of the petitioner that he was not given one month show cause notice is untenable.

5. Accordingly, this writ petition is dismissed. No order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr

To

- 1 The Secretary to Government
Union of India, Ministry of Home Affairs New Delhi.
- 2 The Director General
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Hyderabad-500033.
- 4 Deputy Inspector General of
Police Group Center
Avadi Central Reserve
Police Force Avadi Chennai-65.

+ 2ccs to Mr.B.Ramaratnam, Advocate SR.22369
+ 1 cc to Mr.R. Shankar, Advocate SR.21926

TEJ(CO)
EU 04.06.2015

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