

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No. 528 of 2015(O&M)

Date of Decision: 07.04.2015

Amardeep Singh Bal

..... Appellant

Versus

Union of India and others

..... Respondents

**Coram: Hon'ble Mr. Justice Satish Kumar Mittal
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: - Mr. R.D. Bawa, Advocate
for the appellant.

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HARINDER SINGH SIDHU, J.

This appeal under Clause X of the Letters Patent has been filed against the judgment and order dated 31.03.2015, whereby the writ petition filed by the appellant challenging his transfer from Jalandhar to Gund at Gainerbal, Jammu and Kashmir has been dismissed.

The appellant is serving as a Deputy Commandant in the Central Reserve Police Force. His grievance was that as per the report of the Medical Board, he is suffering from diabetes and has low medical category (3) and as such he cannot be posted to hard or very hard areas. It is his case that Gund (Gainerbal) has extremely cold climate and is a hard area about 40 kms. above

Srinagar and his posting at that place would aggravate his medical condition.

In response, the learned counsel for the respondents had referred to the fact that there is a Base Hospital and Army Hospital at Ganderbal and Sher-e-Kashmir Hospital at Sora, Srinagar. It was pleaded that consequently the apprehension of the appellant that he would not get proper medical treatment at his place of transfer was unfounded.

Learned counsel for the appellant had referred to circular dated 14.08.2012 (Annexure P-22) on the subject of Rehabilitation of Force Personnel, which contains a list of the light duties to be assigned to officers suffering from low medical category, as under:

- “1. Control room officer*
- 2. Intelligence collation/processing officer*
- 3. AC(Adm) in Gcs/BN*
- 4. DC store in Gcs*
- 5. Transit camp I/C*
- 6. Adm Officer in training centre*
- 7. I/C building branch in GCs*
- 8. Course I/C in training centre (as per physical condition)*
- 9. Adjutant, QM in BN HQ, in peace area*

10. Staff officer duties depending on the aptitude”

Learned counsel for the respondents had assured that the appellant would be given only one of the duties indicated above.

Learned Single Judge did not agree with the contention of the counsel for the appellant that implicit in the list of light duties to be assigned to officers of low material category, was the requirement that such person can only be posted in peace area.

Accordingly, being satisfied that there were proper medical facilities available at the place of transfer and taking note of the statement of the counsel for the respondents that the appellant would be assigned light duties as per Annexure P-22, the learned Single Judge held that there was no ground to interfere with the transfer order, the petition was accordingly dismissed.

In the instant appeal Learned counsel for the appellant has again argued that on account of the posting of the appellant at his place of transfer, his disease would further aggravate. It is further argued that in none of the light duty posts mentioned in Annexure P-22 and referred to above can a Deputy Commandant be detailed for duty, as all such posts are meant for officers of the rank of Assistant Commandant or lower ranks. We are unable to

accept the contentions of the Ld. Counsel for the appellant.

Learned Single Judge has rightly taken note of the availability of proper medical facilities at the place of transfer and also the statement of learned counsel for the respondents that the appellant would be assigned light duties appropriate for a person of low medical category. Accordingly there does not appear to be any reason to interfere with the order of the learned Single Judge.

The appellant is a Deputy Commandant serving in the CRPF, which is a force assigned onerous law and order/internal security duties. This Court would be extremely reluctant to interfere with the transfer order in such a disciplined force.

Accordingly this appeal is dismissed.

However, the dismissal of this appeal would not preclude the appellant from approaching the authorities with his grievances in relation to his appropriate posting in the light of his medical condition and we are hopeful the same would receive consideration as per relevant instructions/ standing orders and procedures of the force.

(SATISH KUMAR MITTAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

07.04.2015

Atul