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

+ **W.P.(C) 138/2016**

CT/GD RAJVINDER SINGH DHILLON Petitioner

Through: **N.L.Bareja, Advocate**

versus

UNION OF INDIA AND ORS. Respondents

Through: **Ms.Archana Gaur, Advocate with
Ms.B.K.Rout, Pairvi Officer and
Mr.S.S.Sejwal, Law Officer, CRPF**

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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08.01.2016

1. Issue notice. Ms.Archana Gaur, counsel for the respondents accepts notice.
2. The petitioner is aggrieved by the denial of promotion to him to the post of Head Constable (GD). The employer i.e. the Central Reserve Police Force (CRPF) states that his medical examination reveals that he had undergone surgery for Varicose Veins. The CRPF further stated that according to its standards applicable, i.e. those for direct recruits – anyone operated for Varicose Veins would not be eligible for promotion.
3. The writ petitioner relies upon an order of this court in W.P.(C) 7720/2013 (*HC/GD Surendra Jangir vs.UOI & Ors.*), decided on

09.12.2013. The court had in an identical situation i.e. where the individual had been operated for varicose veins and had applied for a post (SI) in the CRPF but was rejected promotion precisely on the same ground as the present petitioner, stated as follows:

5. In view thereof, we direct as follows:-

(i) The petitioner shall appear before the Commandant, Army Hospital (Research and Referral), Delhi Cantt., New Delhi with all records of his medical examination and treatment, if any, which may be in his power and possession at 11.00 a.m. on 30th December, 2013. The respondents shall ensure that the petitioner's travel is facilitated for his participation in the medical examination.

(ii) The petitioner shall also carry his three photographs and submit the same to the Medical Superintendent and a document of identity proof in order to ensure the establishment of his identity.

(iii) The respondents shall also ensure that the complete original record relating to the medical examinations of the petitioner is placed before the Commandant, Army Hospital (Research and Referral) on 30th December, 2013.

(vi) The Commandant, Army Hospital (R and R) is directed to constitute a Board of Specialists/Experts for examination of the petitioner in the matter. The records which are produced by the petitioner as well as the respondents shall be placed before the Board so constituted.

(v) The Medical Board, constituted in terms of our order shall be at liberty to examine the petitioner as well as the above records produced by the parties, on a date and

time appointed by it which shall be informed to both parties. The Board shall thereafter take an independent view in the matter uninfluenced by the reports produced by the parties.

(vi) It shall be open to the Board to conduct any test as may be required.

(vii) The report by the Army Hospital (R and R) shall be sent to this court before the next date of hearing.

(viii) In case the report of the experts at the Army Hospital (R and R) is in favour of the petitioner, it shall be open for the respondents to proceed with regard to the appointment of the petitioner in accordance with law.

4. Having regard to the submissions made, this Court is of the opinion that a similar approach has to be adopted. Accordingly, directions which this court had issued in W.P.(C) 7720/2013 are hereby issued (i.e. para 5 (i) to (viii) above). In addition, it is open to the CRPF to produce the necessary documents and guidelines for consideration by the Army Hospital (Research and Referral), Delhi Cantt., New Delhi. The report of the Army Hospital (R & R) shall be communicated directly to the CRPF which shall then take its decision based on the said report and communicate it to the petitioner. The petitioner is directed to appear before the Commandant, Army Hospital (Research and Referral), Delhi Cantt., New Delhi with all relevant records on such date and time as may be intimated in that regard by the CRPF which shall coordinate with the Army Hospital (R & R) for that purpose. The entire process shall be completed within eight weeks. The CRPF shall facilitate the travel including

travel expenses.

5. The writ petition is allowed in the above terms.

Order dasti.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

JANUARY 08, 2016

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