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

+ W.P.(C) 994/2016

MOHAN LAL

..... Petitioner

Through: Mr. Mohan Kumar, Mr. Rohit
Pratap and Ms. Rashmi Singh,
Advocates

versus

UNION OF INDIA & ANR

..... Respondents

Through: Ms. Saroj Bidwayat, Advocate
with Mr. B.K. Rout, Pairvi Officer
and Mr. S.S. Sejwal, Law Officer
for respondent-CRPF

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

12.02.2016

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1. The present petition has been filed by the petitioner, who had joined Punjab Armed Police in the year 1962 and in the year 1968, when the CRPF was constituted, he was transferred to CRPF as a Naik. In the year 1978-79, the petitioner was detected with defective eyesight and night blindness. On 2nd February, 1979, after being examined by the specialist-cum-Prof. & Head of the Department of Ophthalmology at Silchar Medical College and Hospital, Silchar, he was invalidated by the Medical Board that was held on 5th March, 1979 and declared unfit for service.

W.P.(C) 994/2016

Page 1 of 3

2. Learned counsel for the petitioner submits that at that time, the Medical Officer had recommended that the petitioner would be entitled to 20% disability pension but the respondents did not take into consideration the said recommendation and the petitioner's service was cut short.

3. There is no explanation with regard to the inordinate delay on the part of the petitioner in filing a representation before the respondent-CRPF on 6th January, 2015, which is after the passage of 36 years from the date when an actionable cause of action accrued in his favour.

4. Learned counsel for the petitioner states that the petitioner is ready and willing to confine his relief to a period of three years counted backwards from 6th January, 2015, if the respondents are directed to consider his representation.

5. Learned counsel for the respondent, who appears on advance notice, states that the respondent shall consider and decide the representation dated 6th January, 2015 (*Annexure P-5*), submitted by the petitioner within a period of eight weeks by passing a speaking order under intimation to him in writing.

6. In view of the above submission, the present petition is disposed of with directions to the respondents to consider the

petitioner's representation in the light of the decisions of the Supreme Court in the case reported as **(2008) 8 SCC 648** entitled Union of India v. Tarsem Singh and **(2013) 7 SCC 316** entitled Dharamvir Singh v. Union of India and Others.

7. If the petitioner is aggrieved by the decision that may be taken by the respondents, he shall be entitled to seek his remedies in accordance with law.

8. The present petition is accordingly disposed of.

HIMA KOHLI, J

SUNIL GAUR, J

FEBRUARY 12, 2016

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