

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.16008 of 2017

K.Subramanian

.. Petitioner

Vs

1. The Inspector General of Police,
Southern Sector, Central Reserve Police Force,
Road No.10C, Jubilee Hills,
Gayathri Hills, Hyderabad - 500 033.
 2. The Deputy Inspector General of Police (Admin.),
Southern Sector, Central Reserve Police Force,
Road No.10C, Jubilee Hills,
Gayathri Hills, Hyderabad - 500 033.
 3. The Deputy Inspector General of Police,
Group Centre, Central Reserve Police Force,
Avadi, Chennai - 600 065.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents to rehabilitate the petitioner by providing him lighter duty at Group Centre, Avadi, Chennai, as enumerated in the Central Reserve Police Force Standing Order No.04/2011, dated 27.07.2011 and pass such further orders.

For petitioner : Mr.P.Mohanraj

For Respondents : Mr.K.Srinivasamurthy, CGSC

ORDER

By way of filing this writ petition, the petitioner seeks a direction to the respondents to rehabilitate him by providing him lighter duty at Group Centre, Avadi, Chennai, as enumerated in the Central Reserve Police Force Standing Order No.04/2011, dated 27.07.2011.

2. Learned counsel for the petitioner submitted that the petitioner joined the Central Reserve Police Force (CRPF) as constable (GD) in the year 1991. While he was working in 105

RAF Battalion at Coimbatore, he took one day leave and on the said day, he met with an accident, due to which, he had suffered Bimalleolar fracture and as a result, he was unable to walk without the aid of stick. Institute of Orthopedics and Traumatology, Government General Hospital, Chennai, issued the disability certificate assessing his disability at 45%. Subsequently, in the Annual Medical Examination conducted on 30.01.2014, he was categorized as Shape 3 (P) and thereby he was provided with sedentary duties. Thereafter, in the Review Medical Board examination conducted by the Composite Hospital, Hyderabad on 20.01.2015, he was categorized as A-5 and P-5 (Permanent) categorization and thereby his case was recommended for Departmental Rehabilitation Board (DRB) for rehabilitation. Accordingly, in the DRB screening held on 06.11.2015, he was directed to continue in service.

3. In the meanwhile, his wife-S.Madhulaxmi, who was taking treatment for brain tumor from the year 2008 onwards in the Government General Hospital, Chennai, and Cancer Institute, Chennai, died on 22.08.2013. In view of such circumstances, he pleaded, the petitioner has been finding it very difficult to run his day-to-day life. Whiles, in the year 2014, when he was transferred to Chattisgarh, he approached this Court by filing a Writ Petition No.30754 of 2014 for retention in the present station, whereby this Court, by order dated 25.11.2014, has granted an order of status-quo until further orders.

4. Whiles, the respondent, by giving up the previous impugned order, referred the petitioner to the DRB again to assess him further about his competency. In the meanwhile, the third respondent, by proceedings dated 09.06.2017, transferred the petitioner again to 170 Battalion, Bijapur, Chattisgarh State.

5. It is at this stage, learned counsel for the petitioner, by drawing the attention of this Court to a proceeding dated 14.12.2016 of the Chief Medical Officer (SG), Composite Hospital, CRPF, Hyderabad, submitted that as per the said proceeding, the petitioner was allowed to continue one more year to attend Annual Medical Examination (AME) as he has been categorized as A-5 P-5 (P), therefore, the respondent cannot send him for Force Duty.

6. I also find merit on the above said submissions. Admittedly, the petitioner has been categorized as Shape A-5 & P-5 (Permanent). According to the Procedure for Medical Categorization, which is annexed in the typed set of papers filed by the petitioner, the categorization A5 defines that severe derangement of functional efficiency and therefore, such persons are found permanently unfit for Force Duties. In such view of the matter, when the respondents have already found him

not fit for Force Duty, I find no justification to transfer him from Avadi to 170 Battalion, Chattishgarh.

7. Learned Central Government Standing Counsel for the respondents, on instruction, submitted that the proceedings dated 09.06.2017 of the third respondent may be kept in abeyance for a period of four weeks and in the meanwhile, the Special Departmental Rehabilitation Board (SDRB) will be constituted and thereafter, the petitioner can appear before the said Board for examination.

8. Therefore, considering the fact that the Chief Medical Officer, Composite Hospital, CRPF, vide his proceedings dated 13.01.2015, has already suggested to place him as A5 P5 (P), as stated by the learned Central Government Standing Counsel for the respondents, the Special Departmental Rehabilitation Board (SDRB) shall consider the case of the petitioner and pass appropriate orders by preferentially giving only lighter duty to the petitioner. While passing the order, the said Board also shall consider the health condition and also place of posting of the petitioner keeping in mind the proceedings dated 13.01.2015 of the Chief Medical Officer, Composite Hospital, CRPF. Till such time, the proceedings dated 09.06.2017 of the third respondent shall be kept in abeyance.

With the above directions, the writ petition is disposed of. No Costs. Consequently, WMP.No.17297 of 2017 is closed.

s/d-
Assistant Registrar (CS IV)

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

To

1. The Inspector General of Police,
Southern Sector, Central Reserve Police Force,
Road No.10C, Jubilee Hills,
Gayathri Hills, Hyderabad - 500 033.
2. The Deputy Inspector General of Police (Admin.),
Southern Sector, Central Reserve Police Force,
Road No.10C, Jubilee Hills,
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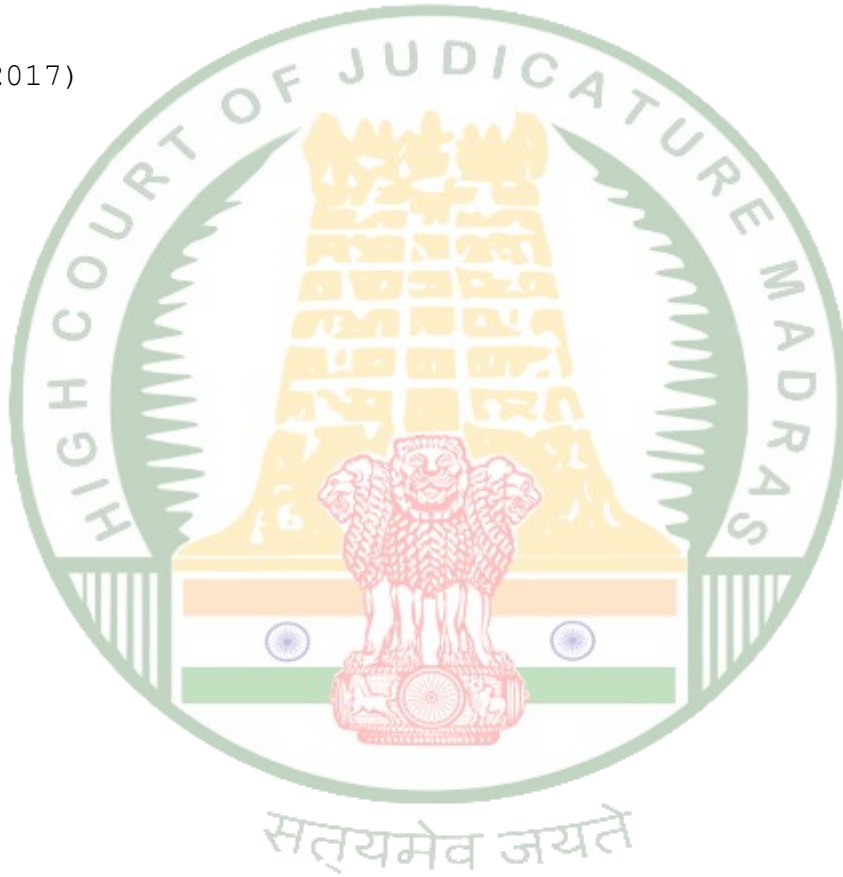
3. The Deputy Inspector General of Police,
Group Centre, Central Reserve Police Force,
Avadi, Chennai - 600 065.

+1 CC to Ms. J. Lakshminarayanan, Advocate sr 44659

+1 CC to Ms.K. Srinivasamoorthy, Advocate sr 44615

W.P.No.16008 of 2017

GP (CO)
SP (05/07/2017)



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