

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.16146 of 2017

C.Jayaraj

... Petitioner

-vs-

1. The Director General of Police
Directorate General, CRPF
CGO Complex, Lodhi Road
New Delhi 110 003
2. The Inspector General of Police
Southern Sector CRPF
Road No.10 C, Jubilee Hills
Near MLA/MPs Colony
Gayathri Hills
Hyderabad 500 033
3. The Deputy Inspector General of Police
Chennai Range Hqr., CRPF
Avadi, Chennai 600 065
4. The Deputy Inspector General of Police (Medical)
Composite Hospital, GC CRPF
Hyderabad
Telengana, Pin: 500 005
5. The Commandant
42 Bn., CRPF
District Police Training Centre
Lalacheruvu Post
Rajahmundry
Andhra Pradesh 533 106

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of 5th respondent dated 29.04.2017 in proceedings No.M.III.1/17-42-EC-2 by which the petitioner was sent on medical invalidation from service and quash the same and consequently direct the respondents herein to retain the petitioner in service.

For Petitioner :: Mrs.R.Meenakshi

For Respondents :: Mr.T.L.Thirumalaisamy
 Central Government
 Standing Counsel

ORDER

The petitioner has been declared as unfit for service in the CRPF by the Medical Invalidation Board on 16.2.2017 after his examination at Composite Hospital, CRPF, Telangana. It is also further stated that the Medical Invalidation Board examined the suitability of the petitioner and finally, finding him as suffering from alcohol dependence syndrome, declared him completely and permanently incapacitated for further service of any kind in CRPF. Based on the above, the petitioner has been issued with the impugned order invalidating him out from service and also striking off his name from the strength of the unit with effect from 29.4.2017. The said order has been challenged in this writ petition.

2. Learned counsel for the petitioner submitted that the petitioner sustained injury in his left knee and pursuant thereto, when he was taking treatment from the ortho department in the Royapettah Government General Hospital, Chennai, due to severe pain in his left knee, he had to take pain killer and liquor. He was also medically categorised as Shape-3 temporarily. In spite of the above injury, it is stated that he could perform light duty. But the department people used to harass him by giving punishments in order to send him out from service. At one point of time, he has objected to the decision of the fifth respondent for sending him on medical invalidation, because he has no disability at all. Inasmuch as he is fit to continue in service, when he was forcibly sent for medical examination, the Medical Invalidation Board has declared him as zero percent disability. Even the examination of the medical board's proceeding shows that no major abnormality has been observed. Moreover, the behaviour report prepared as per the direction of the fifth respondent is also wrong. Therefore, the respondents ought not to have taken a major decision to send the petitioner out of service, because in CRPF, due to stress and nature of duty, most of the personnel are consuming alcohol and the CRPF is also supplying alcohol for the force personnel. Hence, sending the petitioner on medical invalidation stating that he is suffering from alcohol dependence syndrome is wholly unjustified, it is pleaded.

3. But this Court hardly finds any justification in her contentions. The reason is that when the Medical Invalidation Board has examined the petitioner and finally finding that he is

suffering from alcohol dependence syndrome, as a result he has been declared as completely and permanently incapacitated for further service of any kind in CRPF, the petitioner, without challenging the decision taken by the Medical Invalidation Board, cannot find fault with the consequential order. Secondly, the petitioner himself has admitted in paragraph-7 of the affidavit that he had also consumed liquor only to tide over the pain. When there is a clear admission made by the petitioner that he has been taking liquor, this Court is unable to find any infirmity with the impugned order invalidating him out from service and also striking off his name from the strength of the unit with effect from 29.4.2017. Therefore, the writ petition fails and it is dismissed. Consequently, W.M.P.Nos.17442 & 17443 of 2017 are also dismissed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ss

To

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District Police Training Centre
Lalacheruvu Post
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Andhra Pradesh 533 106

+1cc to Mr.T.L. Thirumalaisamy, Advocate Sr.44904
+1cc to M/s.R.Meenakshi, Advocate Sr. 44879

W.P.No.16146 of 2017

SAI (CO)
VR(14/07/2017)



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