

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2017

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THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.28134 of 2017 and
WMP.Nos.30267 and 30268/2017

M.Pichandi

...Petitioner

Versus

1.The Deputy Inspector General of Police,
(Establishment), Office of the Directorate General,
Central Reserve Police Force,
Block No.1, CGO Complex,
Lodhi Road, New Delhi-110 003.

2.The Inspector General of Police,
Southern Sector, Central Reserve Police Force,
Road No.10 C, Jubilee Hills,
Gayathri Hills, Hyderabad-500 033.

3.The Deputy Inspector General of Police,
Group Centre, Central Reserve Police Force,
Avadi, Chennai-65.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in No.T-IX-40/2017-Estt-DA-10 dated the 6th April, 2017 and quash the ssame and direct the respondents to rehabilitate the petitioner by providing lighter duty commensurate with his employability limitations at Chennai so as to enable him to continue the medical treatement as enumerated in the Central Reserve Police Force Standing Orders No.04/2008 dated 15.12.2008, 04/2011 dated 27.10.2011 and 07/2015 dated 04.08.2015 respectively.

For Petitioner

: Mr.P.Mohan Raj

For Respondents

:Mr.SU.Srinivasan,
Assistant Solicitor General

O R D E R

Challenging the order of the first respondent in No.T-IX-40/2017-Estt-DA-10 dated the 6th April, 2017, the present Writ Petition has been filed.

2. The case of the petitioner is that he joined the Central Reserve Police Force as Constable (GD) on 28.07.1997. After completion of his training, he served in 27 Battalion stationed at Srinagar, Assam, again in Srinagar and Manipur till 2012. During the year 2012, he was posted to Avadi, Chennai. While so, during December, 2014, the petitioner was on leave and staying at his native place Gudiyatham, Vellore District. At that time, since the petitioner had abdominal pain and vomited blood, he was admitted in the Christian Medical College and Hospital, Vellore where Exploratory Laparotomy was done on 22.12.2014 and he was also having portal vein thrombosis problem due to which blood clots in the arteries can increase the risk for stroke, heart attack, severe leg pain, difficult in walking or even the loss of a limb. Further, it is stated that he was suffering from Incisional Hernia and Mesentric Ischemia for which, he is advised to have life long anti-coagulation medications.

3. While so, during February, 2016, he was transferred to 212 Battalion. Therefore, the petitioner submitted a representation dated 3.3.2016 to the Inspector General of Police, Southern Sector, Central Reserve Police Force (CRPF), Hyderabad through proper channel requesting him to defer his transfer at least for one year and to retain in the present place. Since no action has been taken on the same, the petitioner submitted another representation dated 24.07.2016 to the 2nd respondent which was also not considered.

4. In the meanwhile, a Review Medical Board was undertaken in respect of the health condition of the petitioner on 29.07.2016 in which he was advised to have regular follow up and take medicines and to avoid strenuous exercise/weight lifting. In the said medical examination, he was categorized as SHAPE-P3 (P). Thereafter on 20.08.2016, the Specialist Medical Officer, Surgeon, composite Hospital, CRPF, Avadi issued a Medical Certificate stating that the petitioner was under life long anti-coagulation medications.

5. It is further stated that on 6.9.2016, when the petitioner was admitted in Rajiv Gandhi Government General Hospital, Chennai, through his wife, he came to know that Movement Order dated 08.09.2016 was pasted in the door of his quarters. But obeying the same, the petitioner could not report before the Commandant, 212 Battalion stationed at Chhatisgarh.

Aggrieved over the same, the petitioner filed W.P.No.32559/2016 praying for rehabilitation by providing lighter duty as enumerated in the Standing Order. The same was disposed of by this Court by order dated 30.01.2017 permitting the petitioner to give one more representation along with the copy of the said order as well as the representation dated 03.03.2016 through proper channel to the 2nd respondent, and directed the 2nd respondent to consider the same on merits and in accordance with law and also in accordance with the Standing Order and to pass an appropriate orders within a period of six weeks thereafter. Accordingly, the petitioner has given a representation dated 06.03.2017 along with the connected Medical Reports. On consideration of the same, the Deputy Inspector General of Police (Establishment), Office of Directorate General, Central Reserve Police Force, New Delhi, the 1st respondent herein issued an order dated 6.4.2017 which is impugned in this Writ Petition.

6. Heard the learned Counsel for the petitioner as well as the learned Assistant Solicitor General appearing for the respondents 1 to 3 and I have also carefully gone through the typed set of papers including the impugned order dated 06.04.2017.

7. A perusal of the impugned order would go to show that the Deputy Inspector General Establishment in his Proceedings dated 06.04.2017 considered the case of the petitioner on merits and in accordance with the Standing Orders enumerated therein and also considered the order passed by this Court in W.P.No.32559/2016 dated 30.01.2017 and his Low Medical Category and his taking treatment for his infertility at ARC International Fertility and Research Centre, Chennai and considered his case leniently thereby allowing him to work at the present place of posting so as to enabling him to proceed for Voluntary Retirement during August or September, 2017 after completion of 20 years of his service as stated by the petitioner. The petitioner having accepted the said order, kept quiet for a period of six months. Under such circumstances, the petitioner cannot approach this Court once again by way of filing this Writ Petition, racking up the old story of his illness. That apart, one of the Medical Reports produced by the petitioner discloses that he was having Incisional Hernia (Redusaable). When Surgeons Opinion was sought for the same, advise was given that surgery not required and advised for light duties and avoid strenuous activities.

8. Now the learned Counsel for the petitioner submitted that the petitioner is also having SMV Thrombosis, Resection and Anastomosis for which he has been taking drugs and medicines.

9. Considering the facts and circumstances of the matter, this Court is of the view that the respondents can direct the petitioner to appear before the competent Medical Board and after getting a report from the Medical Board, it is for them to consider as to whether the petitioner is deserved for lighter duties .

10. With the above observations, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Deputy Inspector General of Police
(Establishment), Office of the Directorate General,
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Avadi, Chennai-65.

+1cc to Mr.P.MANOJ KUMAR Advocate, S.R.No. 78075

W.P.No.28134 of 2017

TR(24/11/2017)

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