

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WRIT PETITION No.6472 of 2016
and
W.M.P.Nos.5749 & 5750 of 2016

S.Kathiravan
Constable (Band)
No.961160522,
Quarter No.2502, Type-II,
A-8 Block, GC CRPF,
Chennai - 600 065. 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,
Group Centre, CRPF
Avadi,
Chennai - 600 065.

4. Mrs. Preetha,
Deputy Commandant (Adm),
Group Centre, CRPF,
Avadi, Chennai - 600 065.

5. Mr.J.K.Yadav,
Assistant Commandant,
Group Centre, CRPF,
Avadi, Chennai - 600 065.

6. Chief Medical Officer(SG)
Composite Hospital,
Group Centre, CRPF,
Avadi, Chennai - 600 065.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Review Medical Board proceedings dated 29.01.2016 drawn by the 6th Respondent and countersigned by the other two Medical Officers in the Petitioner's Health Card and quash the same and direct the 2nd and 3rd respondents to conduct fresh review Medical Examination by combined medical Board comprising the Medical Officers of CRPF as well as Government Hospital, Chennai.

For Petitioner : M/s.R.Meenakshi

For Respondents : M/s.N.K.Nithila Vani
Central Government
Standing Counsel(CGSC)

O R D E R

The relief sought for in this writ petition is for a direction to conduct a fresh review medical examination and to quash the medical board proceedings dated 29.01.2016.

2. The writ petitioner is working in Central Reserve Police Force and he was posted to GC, Avadi, Chennai, in the year 2012 and he is continuing in the same station at Chennai for the past five years.

3. The learned counsel for the writ petitioner states that the writ petitioner is suffering from Left Inguinal Hernia and had undergone a operation for Left Inguinal Hernia on 13.09.2003 at Madras Medical College Government Hospital, Chennai. After the operation, the writ petitioner was unable to perform certain hard duties and thereafter, he continued his treatment. A 3rd time operation was also performed and the writ petitioner was sent to Medical Board and placed under Medical Category -P3(T-12). In view of the Medical Examination, the writ petitioner was directed to perform Shape-3 job responsibilities. The writ petitioner is staying in Government Family Quarters in CRPF Campus and a notice was issued to vacate the Family Quarters on 03.02.2015.

4. The learned counsel for the writ petitioner submitted that the wife of the writ petitioner as well as his children are staying with him and his wife is also working in Government Hospital, Chennai as Staff Nurse and his son and daughter are studying in Velammal Matriculation School. Thus, he has to continue the same Quarters in order to lead a normal family life. The place, Post can never be claimed as a legal right. CRPF being a disciplined uniformed force, has to necessarily inflict administrative transfers for effective and peaceful

functioning of the Department. The High Court cannot interfere in the day to day administration of the Department and in the event of such interference, there will be a chaos in the administration.

5. The Family Accommodation to a public servant is a concession/facility extended by the Government. Such a concession can never be claimed as a matter of legal right. Government Accommodation will be granted, subject to the availability and on the basis of the procedure in this regard. No Government servant can claim the Government Accommodation as a matter of right. Further, long duration stay will affect the right of other personnel, who are coming over to Avadi, Chennai from other States. Thus, any continuance by one Government servant will have a repercussion in respect of other personnels. Thus, it is for the competent authority to regulate the allotment of Government Accommodation and the Court cannot consider the same only on the ground that the writ petitioner is taking medical treatment. It is for the writ petitioner to provide and look after his family according to his convenience and as far as the Government Accommodation is concerned, it is for the competent authority to regulate the same in accordance with the procedures framed in this regard. Thus, this Court is not inclined to consider the prayer as such, sought for in this writ petition. Further, the Medical Board already examined and signed a report and the question of re-examination cannot be claimed by the writ petitioner at this point of time.

6. It is left open to the authorities to conduct any re-examination, if necessary and if such request is made by the writ petitioner in this regard. Thus, this Court is of the firm opinion that Medical Examinations are to be conducted based on need basis and on request by the personnel concerned and this Court cannot issue any such direction for Medical Examination and it is for the authorities to consider the Medical Condition of the personnel and take appropriate steps for conducting the re-examination.

7. In this view of the matter, no further consideration needs to be shown on the grounds raised in this writ petition. Accordingly, the writ petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

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+1cc to M/s.N.K.Nithila Vani, Advocate in sr.no.60279

सत्यमेव जयते

W.P.No.6472 of 2016

PPA(CO)
NR 20/09/2017

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