

\$~34

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8042/2018 & C.M.Nos.30818/2018 (exemption) &
30817/2018 (stay)
PRAHALAD SINGH Petitioner
Through Ms.Saahila Lamba, Adv with
Mr.T.S.Dagar, Adv.

versus

UNION OF INDIA & ORS Respondent
Through Mr.J.K.Singh, S.C with Mr.Harsh
Pandit, Adv.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **02.08.2018**

1. The petitioner seeks quashing of an order dated 30.05.2018 issued by the respondents, redeploying him as a medically decategorised staff in the clerical category.

2. Ms.Saahila Lamba, learned counsel for the petitioner states that the petitioner was enrolled in the respondent/RPF as a constable. In the year 2015, the petitioner was diagnosed as suffering from 'mouth cancer' and, thereafter, underwent prolonged treatment as also surgery.

3. In the very same year, the petitioner made several representations for constituting a Medical Board to ascertain his fitness and release his salary, but he did not receive any response thereof from the respondents. This compelled the petitioner to file a writ petition, bearing W.P.(C)No.1363/2016, in the High Court

W.P.(C) 8042/2018

page 1 of 3

seeking release of arrears salary and grant of supernumary post.

4. Vide order dated 22.02.2016, the aforesaid petition was disposed of by the Court with directions to the respondents to consider the petitioner's representation dated 28.11.2015 and pass a reasoned order.

5. On 12.05.2016, the respondents constituted a Medical Board to re-determine the petitioner's fitness. The said Board recommended that the petitioner was unfit under category B-1, which report was duly accepted by the competent authority.

6. Subsequently, vide order dated 30.05.2018, the petitioner was absorbed as a medically de-categorised clerical personnel in the respondent/RPF. In the month of June 2018, the petitioner applied for voluntary retirement and sought compassionate appointment for his son, in his place, in terms of the respondent's Circular dated 14.06.2006, providing for compassionate appointment of wards/spouse of medically decategorised staff. The grievance of the petitioner is that the said representation has not been decided by the respondents till date, making it very difficult for him to continue working due to his deteriorating health condition.

7. Mr.J.K.Singh, learned counsel for the respondents, who appears on advance notice assures the Court that the representation submitted by the petitioner for compassionate appointment of his son in his place shall be considered in accordance with the rule position and the decision taken thereon, shall be intimated to the petitioner.

8. In view of the submissions made hereinabove, the present petition is allowed and disposed of, alongwith the pending applications, with directions issued to the respondents to take a decision on the petitioner's pending representation, referred to hereinabove within a period of 4 weeks from today under written intimation to him. If the petitioner is aggrieved by the decision that may be taken by the respondents, he shall be at liberty to seek legal recourse as may be advised.

HIMA KOHLI, J

REKHA PALLI, J

AUGUST 02, 2018/sr