

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1253 of 2016

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Devender Kumar, Ex-Ct./GD, Force No. 930620139 serving as a Constable in 153 Bn, CRPF, Motihari (Bihar), S/o Late Shri Jai Ram, permanent resident of Village & P.O. Banethi, Tehsil Kotputli, District- Jaipur, Rajasthan- 303105

... .. Petitioner/s

Versus

1. Union of India through Home Secretary, Ministry of Home Affairs, New Delhi- 110001.
2. The Director General, Central Reserve Police Force, C.G.O. Complex, Lodhi Road, New Delhi- 110003.
3. The Inspector General of Police, Northern Sector, CRPF, R.K. Puram, New Delhi.
4. The Inspector General of Police, Bihar Sector, CRPF, Patna, Bihar.
5. The Deputy Inspector General of Police, Group Centre, CRPF, Kadarapur, Gurgaon.
6. The Deputy Inspector General of Police, Range, CRPF, Muzaffarpur, Bihar.
7. The Deputy Inspector General of Police, Range, Greater Noida, Uttar Pradesh.
8. The Commandant, 153 Bn, CRPF, Motihari (Bihar)

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anjani Kumar Jha, Advocate
For the Respondent/s	:	Mr. S.D Sanjay (Addl. Soc. Gen.) Ms. Punam Kumari Singh, C.G.C

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 03-01-2019

Heard learned counsel for the petitioner and learned senior counsel for the Union of India.

2. The petitioner has challenged the reasoned and speaking order dated 11.05.2015 passed pursuant to the directions issued earlier on the petitioner's writ petition bearing C.W.J.C. No. 6964 of 2014.



3. It has been submitted by counsel for the petitioner that though there was a specific direction upon the respondent Union of India that the force should make available the relevant documents to the Indo-Tibetan Boarder Police Hospital so that it may come to a final conclusion regarding the disability/invalidation of the petitioner, the same has not been done. By filing a supplementary affidavit he has enclosed the communication dated 10.04.2015 whereby petitioner's case has been forwarded by the authorities for consideration.

4. From perusal of the same it appears that 14 leafs have accompanied the documents. Merely on the basis of presumption that the same are not the documents in accordance direction of this Court in the earlier order dated 24.07.2014, petitioner has assailed the reasoned and speaking order as being based on the same vice as has been done in the earlier occasion. He submits that again the invalidation had been recorded without reference to the relevant documents.

5. Prima facie the submission of the counsel for the petitioner does not appear to be correct as from the communication dated 10.04.2015 Annexure 16 series of the supplementary affidavit it is apparent that the documents were forwarded for consideration of the petitioner's



disability/invalidation.

6. This Court therefore, does not find any reason to interfere with the reasoned and speaking order dated 11.05.2015. However, counsel for the petitioner submits that in compliance of the order dated 24.07.2014 he still has the option of filing his representation before the authorities concerned for consideration of relief under Section 47 of the Disabilities Act. The petitioner having obtained such liberty has not filed the representation till date. Therefore, without expressing any opinion on the merits of the submissions made by counsel for the petitioner, this writ petition is dismissed. Petitioner would be at liberty to make his representation before the authorities concerned in terms of Section 47 of the Act in compliance of the earlier order dated 24.07.2014 passed in C.W.J.C. No. 6964 of 2014.

7. Counsel for the petitioner has also submitted that he should be permitted to file an application seeking voluntary retirement from service. In respect of the said submission, this Court would observe that having availed of the liberty for filing a representation for relief under Section 47 of the Act way back in July, 2014, the petitioner has not availed of the said liberty. Thus this Court would only observe that only if the



extant/relevant Rules permit, the petitioner would be at liberty
to avail of option for voluntary retirement.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

