

\$~56

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4324/2019**

SKT (GREF) MADAN SINGH

..... Petitioner

Through: Mr.Virender Singh Kadian, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr.Ravi Prakash, CGSC with
Ms.Rajul Jain, GP, Mr.Akash Mohan
& Mr.Farman Ali, Advocates for R1
to R4.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

%

26.04.2019

CM APPL. 19201/2019 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 4324/2019 & CM APPL.19200/2019 (interim stay)

2. The Petitioner's grievance is that his posting in Bhutan with the Border Roads Organisation (GREF) is sought to be curtailed unfairly on the purported ground of his Low Medical Category ('LMC').

3. Admittedly, the Petitioner was suffering from some hypertension even when he was sent to Bhutan on 20th May 2018. Although the posting was for two years, when an annual medical examination was undertaken the Respondents found to him to be still in the LMC. Accordingly, the

impugned order dated 27th March 2019 posting him back in India at Tinsukia in Assam was issued.

4. The grievance of the Petitioner is that the Respondents have applied the medical standards applicable to army personnel whereas he is a civilian and in terms of policy dated 10th February 1989 and the medical standards applicable to army personnel are not applicable to civilians like GREF personnel.

5. Counsel for the Respondents has placed before the Court a compilation of the relevant instructions and maintains that when a posting is made outside India, like the BCA area, even a civilian posted there will have to undergo an annual medical review and if he is in a LMC while in such BCA area, then he should be moved to a non-BCA area. He adds that when persons with LMC are sent to a BCA area, they are allowed to complete one year of the tenure but if they are found to continue to be in an LMC, they are brought back to India, which is what has happened in the present case.

6. These are essentially policy matters of the Respondents and if admittedly there is a policy concerning medical categorization of GREF personnel posted in BCA areas which is different from GREF personnel posted in India, the Court sees no reason why it should interfere.

7. Counsel for the Respondents, however, clarifies that the Petitioner will be required to report to Tinsukia after completion of one year's tenure in the BCA area which ends on 19th May 2019. His movement order will be issued accordingly.

8. The petition is dismissed. The pending application is also dismissed.

S. MURALIDHAR, J.

I.S. MEHTA, J.

APRIL 26, 2019

tr