

25.09.2020.
Item no. 9.
Court No.13
ap

**W.P.A. No. 6382 of 2020
(Through Video Conference)**

**Pramod Kumar
Versus
Union of India & Ors.**

Mr. Ujjal Ray,
Mr. Arpa Chakraborty.

...For the petitioner.

Mr. Kushi Prasun Chatterjee,
Mr. Aveek Biswas.

...For the UOI.

It is the case of the petitioner that he has undergone a major liver transplantation surgery and was under sick list of the Railways Protection Force (RPF).

Counsel appearing on behalf of the petitioner submits that he was removed from the sick list in March 2020 where after he could not join by reason of the fact that the medical condition is such that he cannot be exposed to even slightest of infection of any form. He further submits that he is now being asked to join duty, which he cannot.

Counsel appearing on behalf of the RPF Authorities submits that he was asked to join duty not for the purpose of performance of actual duties but to appear before a Medical Board for assessment of his medical condition.

In those circumstances, the petitioner shall, within a period of one week from date, appear before the K.G. Hospital Authority, located at Chittaranjan and make himself available for appropriate examination. The petitioner shall carry all his medical records lying with him.

Let the Medical Board constituted by the respondents decide on the medical condition and fitness of the petitioner to join duty as expeditiously as possible and take a suitable decision on his joining of duties.

As far as the pay and allowance of the petitioner from 2018 is concerned, Counsel for the RPF Authorities submits that the petitioner has exhausted all leave available to him and the question of making any payment does not arise.

The RPF Authority at Chittaranjan may reconsider the said decision and re-examine the leave record of the petitioner and the absence and under what head it can be adjusted, if at all.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)

