

16.04.2021
Court No.13
rpan/36
(via video Conference)

WPA 3219 of 2021
Manas Haldar
- Versus -
Union of India & Ors.

Mr. Debajyoti Basu
For the Petitioner.
Mr. Anirban Mitra,
Ms. Sarda Sha
For the UOI/Respondents.

The writ petitioner is aggrieved by an Annual Performance Assessment Report for the year 2018 wherein he was graded “good”. The writ petitioner was a constable in the CISF.

The writ petitioner submits that for all successive earlier years he was graded “very good” and that his grading of “good” for the year 2018 is devoid of reason. He had challenged the rating before the Deputy Commandant, CISF, which was rejected. He further appealed against it. The same was also rejected.

The writ petitioner thereafter applied for transfer from his present place of posting which has been declined. It is found that the writ petitioner made a further representation to the Deputy Commandant, CISF. By an order dated 13th April, 2020, the Deputy Commandant found that the petitioner was unable to perform parade and

was exempted from arms duties, IS duty and election duty. He also failed in PT and drill in the rotational training of the year 2019. For being absent on an earlier date, the writ petitioner was censured pursuant to the departmental proceeding. The petitioner has applied for a free and fair enquiry by an independent body into his APAR-2018. The said request was rejected on 24th April, 2020 stating that his case was already considered twice by competent authority and there is no provision for further appeal.

The writ petitioner thereafter challenged his physical grading as Shape-II and requested for medical board to be constituted therefor. The writ petitioner has referred to a number of other persons, who according to him, did not deserve Shape-I status and also the promotion.

This Court sees that the writ petitioner's grading was reviewed twice by superior authority and the same remains unchanged. This Court has not found any procedural irregularity in the action of the respondents. The grading of the petitioner as good, as opposed to very good in the earlier good, is supported by reasons.

The right to ask for second medical examination is not absolute or automatic. This Court sees no reason for the same.

In those circumstances, this Court does not find any reason to interfere with the impugned order.

The writ petition fails and thereby dismissed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Rajasekhar Mantha, J.)