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

+ **W.P.(C) 8762/2021 & CM APPL. 27288/2021**

RAHUL

..... Petitioner

Through: Ms. Saahila Lamba, Advocate.

versus

UNION OF INDIA , RPF & ORS.

..... Respondents

Through: Mr. Jagjit Singh, Advocate for
Railways.

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Date of Decision: 23rd August, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

J U D G M E N T

MANMOHAN, J: (Oral)

1. The petition has been heard by way of video conferencing.
2. Present writ petition has been filed challenging office order dated 2nd August, 2021 issued by respondents whereby the petitioner has been re-deployed as Hospital Attendant in Railway Protection Force. Petitioners also seek a direction to the respondent no.1 to redeploy the petitioner in Ministerial Cadre of Railway Protection Force or in any other suitable department commensurate with medical condition of petitioners such as Commercial, Medical, Personnel etc.

3. Learned counsel for the petitioner states that the job of the Hospital Attendant which has been allocated to the petitioner involves extensive work with left hand and involves lifting weights and hence the job of hospital attendant is wholly non-commensurate with the medical condition of petitioner.

4. Learned counsel for the petitioner has drawn this Court's attention to the order dated 17th December, 2019 passed in a batch of writ petitions with lead case being W.P.(C) No.13310/2019 and prays that a similar order be passed in the present matter.

5. She also candidly states that the petitioner has no objection to his re-deployment at a lower grade provided the job is commensurate to the medical condition of the petitioner.

6. Issue notice. Mr. Jagjit Singh, learned counsel for the respondent-Railways accepts notice. He prays for some time to file a counter affidavit.

7. However, as this Court intends to follow the order that has been passed in similar matters, no counter affidavit is required.

8. Accordingly, keeping in view the order dated 17th December, 2019 passed in similar batch of writ petitions, this Court directs the respondent to take a fresh decision on whether the petitioner can be redeployed even at a lower grade provided the job is commensurate to the medical condition of the petitioner. This decision will be rendered not later than 30th September, 2021 and communicate to the petition within two weeks. If the petitioner is aggrieved by the said order, it will be open to the petitioner to seek remedies in accordance with law.

9. With the aforesaid direction, the present writ petition along with pending application stands disposed of.

10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

NAVIN CHAWLA, J

AUGUST 23, 2021
AS

