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

+ **W.P. (C) 6834/2019**

PRADEEP KUMAR

.....Petitioner

Through: **Ms.Saahila Lamba, Advocate.**

Versus

UNION OF INDIA AND ORS.

.....Respondents

Through: **Mr.Rajan Sabharwal with
Mr.Raghav Sabharwal, Advocates.**

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Date of Decision: 16th March, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

C.M.No.859/2021

1. Present application has been filed by the respondents/applicant seeking vacation of interim order dated 21st June, 2019 passed by this Court whereby the operation of the impugned order dated 03rd May, 2019 had been stayed.

2. With consent of the parties, the main writ petition itself is taken up for hearing.

3. Accordingly, the present application stands disposed of.

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4. It is pertinent to mention that the present writ petition had been filed challenging the order dated 03rd May, 2019 whereby the petitioner

has been redeployed as Tech-III/Welder/Civil/Engg in Railway Protection Force. It is further prayed that a direction be issued to the respondents to re-deploy the petitioner in Ministerial Cadre of Railway Protection Force or in any other suitable department commensurate with medical condition of petitioner.

5. Ms. Saahila Lamba, 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. She also candidly states that the petitioner has no objection to being re-deployed at a lower grade in any cadre provided the job is commensurate with the medical condition of the petitioner. According to her, the re-deployment post, at present, is non-commensurate with medical condition of the petitioner inasmuch as the job involves extensive physical labour.

6. However, Mr.Rajan Sabharwal, learned standing counsel for the respondent-Railways states that the Suitability Committee of the respondents has found the petitioner fit to be deployed as Tech-III/Welder/Civil/Engg.

7. Since the petitioner was suffering from Hypertension (HTN) which led to him having seizures and epileptic episodes, this Court keeping in view the order dated 17th December, 2019 passed in a similar batch of writ petitions is of the opinion that current deployment of the petitioner is not reasonable.

8. Consequently, this Court directs the respondents to take a fresh decision on whether the present petitioner can be re-deployed even at a lower grade in any cadre provided the job is commensurate to his medical condition.

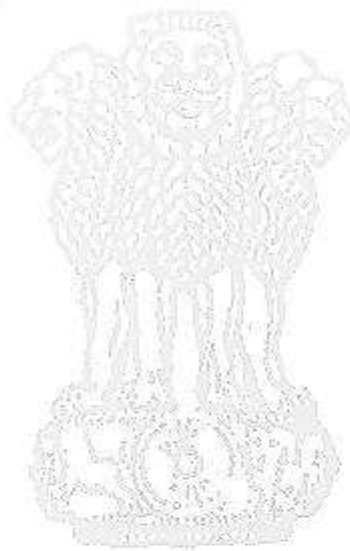
9. The decision will be rendered not later than 15th April, 2021 and communicated to the petitioner by 23rd April, 2021. If the petitioner is aggrieved by the fresh decision/order, it will be open to the petitioner to seek remedies in accordance with law.

10. Accordingly, the present writ petition stands disposed of with no order as to costs.

MANMOHAN, J

ASHA MENON, J

**MARCH 16, 2021
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