

25.07.2022
DL-4
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8394 of 2022

Sri Nigampriya Chakraborty
Vs.
Union of India & Ors.

Mr. Chandan Misra,
Mr. Sudipta Panda

....for the petitioner.

Ms. Susmita Saha Dutta

....for Union of India.

The instruction received by the learned advocate representing the respondents from her clients produced before this Court is considered.

After perusal of such instruction, it appears that on disability a member of Central Reserve Police Force (in short "CRPF") is entitled to financial assistance as a disabled force personnel under CWF as also from the risk fund. The petitioner claims to have been declared 80% disabled by the West Bengal Government, Health Department on 24th August, 2018.

In order to pass the benefits available to the petitioner as a disabled personnel, I direct the CRPF authorities to constitute a medical board within a period of three months from date and assess the extent of disability of the petitioner. The medical board so to be constituted shall also opine as to whether the petitioner will be able to perform his duties as a member of CRPF in any form, be that office work or otherwise. Till this exercise is completed, the petitioner shall be paid his salary and

other emoluments to which the petitioner is entitled to under the extant rules as per his present posting.

It is submitted by the petitioner that he is receiving only the bare salary and no other emoluments or benefits. The petitioner at his own cost has to travel to All India Institute of Medical Science (in short AIIMS), New Delhi wherefrom he is receiving treatment.

CRPF authorities shall look into the issue and shall disburse all emoluments as per petitioner's entitlement within a period of three weeks from date. CRPF authorities shall ensure that the medical facilities as per the applicable law is provided to the petitioner for undergoing treatment at AIIMS, New Delhi where the petitioner was initially treated after he suffered bullet injury while he was serving CRPF at Srinagar and is still receiving treatment therefrom.

So far as the issue regarding the claim of petitioner for giving him a gallantry award, it is submitted by the respondents that the court of enquiry did not recommend the petitioner for gallantry award and as such, he is not entitled to the same.

Countering such argument, the petitioner says that he was never called by the court of enquiry nor was he heard prior to passing of the order and as such, he should be given an opportunity to put forth his claim for gallantry award.

Considering the fact that the petitioner was injured and had to undergo treatment for a considerable period of time, I think justice will be sub-served without going into the validity and

correctness of the order of the Court of Enquiry if the respondents are directed to revisit the issue of granting gallantry award to the petitioner in accordance with law and, if necessary, by giving the petitioner an opportunity of hearing.

The issue as to revisiting the gallantry award shall be concluded within a period of four months from date.

Expecting that CRPF being a disciplined force and that the petitioner has admittedly suffered injury while discharging duties, this Court disposes of the writ petition with the aforesaid direction.

All parties shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

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

(Arindam Mukherjee, J.)