

CWP-23873-2022
Date of Decision: 17.10.2022

Sanjay Kumar

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWATPresent : Mr. Lalit Rishi, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari quashing the order dated 06.09.2022 (Annexure P-14) passed by respondent No.4 vide which the claim of the petitioner has been rejected; along with some other prayers.

Pursuant to the order dated 30.05.2022 (Annexure P-12) passed by this Court, respondent No.4 has passed the order rejecting the claim of the petitioner, primarily, on the count that the petitioner has not mentioned clearly what difficulties he is facing and, secondly, the appropriate advice from the Medical Officer of the Indian Railways qua any light duty has not been received.

Notice of motion.

On the asking of the Court, Mr. Shivoy Dhir, Senior Panel Counsel, accepts notice on behalf of respondents No.1 to 4 and Mr. Sudhir Nar, Senior Panel Counsel, accepts notice on behalf of respondent No.5.

Learned counsel for respondents No.1 to 4 submits that the petitioner can appear before the Medical Board of the Indian Railways and his disability to do a routine duty can be assessed by the said Board.

Accordingly, the decision shall be taken regarding posting of the petitioner.

In view of the above, the present petition is disposed of by granting liberty to the petitioner to appear before the Medical Board of the Indian Railways at Ambala. If the petitioner so appears, the Medical Board shall assess the difficulty of the petitioner in performing his routine duties and send the advice accordingly to the competent authority.

Disposed of with above-said directions.

(RAJBIR SEHRAWAT)
JUDGE

17.10.2022
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No