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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 767/2022 & CM APPL.2174/2022

RAJA RAM KASHYAP EX CONSTABLE RPF. Petitioner
Through: Mr.B.C.Nagar, Advocate.

versus

UNION OF INDIA AND ORS Respondents
Through: Mr.Jagjit Singh, Mr.Preet Singh,
Mr.Vipin Chaudhary and Ms.Kalyani
Arora, Advocates.

% Date of Decision: 23rd February, 2022

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 the impugned orders dated 18th October 2021 and 25th October 2021 issued by the Respondents vide which the petitioner has been appointed as Hospital Attendant in Group-D with GP-1800/- even though the petitioner was appointed in Group-C with GP-2000/-. Petitioner also seeks a direction to the



Respondents to place the Petitioner in a supernumerary post till the Petitioner is suitably adjusted in equal Grade and pay post of Group-C and subsequently release his payment against supernumerary post. Petitioner also seeks consideration of his posting request to Ajmer.

3. Learned counsel for the Petitioner states that the Petitioner suffers from Rosacea disease which is a kind of skin disorder which gets aggravated in sunlight.

4. He submits that if a railway servant cannot be immediately adjusted against or absorbed in any suitable alternative post, he may be kept on a special supernumerary post in the grade in which the concerned employee was working on regular basis before being declared medically unfit pending allocation of suitable alternative employment for him, with the same pay scale and service benefits.

5. It is pertinent to mention that the petitioner had filed a WP(C) 2086/2021 which was disposed of vide order dated 17th February, 2021 in view of the concession given by learned counsel for the petitioner that the petitioner was willing to be redeployed even at a lower grade provided the job was commensurate to his medical condition.

6. In the opinion of this Court, the present writ petition not only amounts to going behind the concession given by the petitioner before this Court in WP(C) 2086/2021, but also amounts to challenging the order dated 17th February, 2021 before the same Court. It is settled law that by way of a subsequent writ petition, the petitioner cannot ask a Court to act as its own Appellate Court!

7. Consequently, the present writ petition and application, being bereft of merits, are dismissed. It is clarified that in the event the petitioner does



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not join his posting within ten days, the respondents shall be at liberty to take action against the petitioner in accordance with law.

MANMOHAN, J

NAVIN CHAWLA, J

FEBRUARY 23, 2022
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