



\$~82

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 1503/2022

C P TRIVEDI

..... Petitioner

Through Mr.Ankur Chhibber, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr.Vijay Joshi with Ms.Sahaj Garg,
Advocates.

%

Date of Decision: 25th January, 2022

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

J U D G M E N T

MANMOHAN, J (ORAL)

C.M.No.4288/2022

Exemption allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

W.P.(C) No.1503/2022

1. The matter has been heard by way of video conferencing.
2. Present writ petition has been filed seeking directions to the Respondents to approve the medical board proceedings held on 22nd June



2021 wherein the duly constituted medical board recommended that the Petitioner suffered from 58% disability and declared him in medical category SHAPE-5 unfit for further service in BSF. Petitioner also seeks directions to the Respondents to board out the Petitioner from service and to thereby grant him disability pension with all consequential benefits as per rules.

3. Learned counsel for the Petitioner states that on 30th August 2003, the Petitioner sustained multiple splinter injuries in both his lower limbs and upper limbs while being engaged in an anti-terrorist operation in Srinagar. He states that over the years, the Petitioner's medical condition has deteriorated.

4. He states that the Director General-BSF has issued a 'Suitability Certificate' on 27th April 2021 to the Petitioner to treat the Petitioner as fit for service consistent with his medical condition. However, he points out that this suitability certificate was entirely subject to the outcome and findings of the medical board.

5. He also states that a Review Medical Board dated 22nd June 2021 was convened, which opined that the Petitioner's disability had aggravated to 58% in permanent category and the Petitioner was placed in SHAPE 5 category unfit for further service in BSF.

6. Issue notice. Mr.Vijay Joshi, Advocate accepts notice on behalf of the Respondents. He points out that the representations filed by the Petitioners are already pending consideration before the competent authority.

7. Keeping in view the aforesaid, this Court directs Respondent no.2 to treat the present writ petition as a representation by the Petitioner and decide



the same way of a reasoned order, in accordance with law, within six weeks.
With the aforesaid directions, present writ petition stands disposed of.

MANMOHAN, J

NAVIN CHAWLA, J

JANUARY 25, 2022
KA

