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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: April 04, 2022***+ **W.P.(C) 11703/2021**

CONSTABLE DIMPLE VERMA Petitioner
Through: **Ms. Pooja Singh & Mr. Vivek,**
Advocates

Versus

UNION OF INDIA & ANR. Respondents
Through: **Mr. Vikrant N. Goyal, Advocate**

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

J U D G M E N T (oral)**CM APPL. 16785/2022 (u/S 151 CPC) & W.P.(C) 11703/2021**

1. By this application, applicant/petitioner is praying for interim stay of the boarding out proceedings initiated by the respondent /Force till pendency of the present petition.
2. Learned counsel for the applicant/petitioner submits that pursuant to order dated 25.10.2021, respondents had constituted a medical board to re-ascertain the disability percentage of the petitioner and he has been orally informed that his disability has increased from 75% to 80%. It is further submitted that petitioner has been declared 85% disabled by AIIMS Hospital, New Delhi and if petitioner is boarded out with 80% disability, it will reduce his compensation resulting into financial loss.
3. Pertinently, the present petition has been filed by the petitioner

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seeking setting aside of the recommendation dated 17.02.2021 by the SSB, Medical Board, New Delhi and Memorandum dated 09.08.2021 issued by the 25th Battalion, New Delhi -110047, vide which he has directed to board out pursuant. According to petitioner, wrong medical opinion has been given by reducing his permanent disability from 85% to 75% and therefore, he has prayed for constitution of a fresh Medical Board for review of his health condition.

4. On 25.10.2021, this Court had granted permission to respondents to file counter affidavit while giving liberty to review the disability of petitioner. It is not disputed that pursuant to the order dated 25.10.2021, a fresh medical board was constituted to assess medical disability of petitioner and his medical disability has been determined as 80%; whereas in the present petition, challenge is to reducing permanent disability of petitioner from 85% to 75%. In the considered opinion of this Court, the relief sought for in the present petition, has already been granted.

5. We hereby dispose of the present petition and the application with liberty to the petitioner to file a fresh petition before the appropriate forum, if any grievance still persists.

6. The date already fixed, i.e. 25.08.2022, stands cancelled.

(SURESH KUMAR KAIT)
JUDGE

(SUDHIR KUMAR JAIN)
JUDGE

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