

06.12.2023
Court No.13
Item No. 23
pk

WPA 16193 of 2023

**Partha Das
Vs.
Union of India and others**

Mrs. Pampa Dey (Dhabal),
Mrs. Sangita Banerjee Chakraborty
... for the petitioner.

Mr. Rudrajyoti Bhattacharya,
Ms. Anamika Pandey
... for the respondents.

1. The petitioner challenges an order dated 16th May, 2023 whereby and under he was found 97 kgs, in weight as opposed to the maximum limit of 79.75 kgs compared to his BMI. By reason of the medical report, the petitioner's promotion, that was already given, was held up being overweight.

2. A promotion process to the post of ASI was undertaken for Constables (GD) and head constables in which the petitioner participated. He was posted at Calcutta during the said period. The petitioner featured in the promotion list on 16.03.2023 to the post of ASI and came to be transferred to NLC, Neyveli in Tamil Nadu.

3. On 12.04.2023 the petitioner reported to NLC, Neyveli and was allowed to join. On a medical examination conducted at the time of joining, where he weighed 103 kgs. as opposed to the permissible limit of 79.75 Kgs. The petitioner was 23.25 kgs. overweight.

4. It, therefore, follows from the above that either medical examination of the petitioner declaring him SHAPE-I in Calcutta was incorrect or the petitioner put on 23.25 kgs. extra weight in a span of two months. The petitioner's promotion was held up.

5. It is now well settled that CISF personnel, who are entrusted with the responsibility of guarding Industrial and other facilities of the Central Government are required at all points of time to be physically fit.

6. With a weight of 103 kgs., it can not be expected that the petitioner would be able to perform any of his duties as ASI.

7. The impugned order withholding promotion to the petitioner from head constable to ASI, therefore, calls for no interference.

8. The writ petition fails and is hereby dismissed.

9. All interim order stands vacated.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)