

91.
20.3.2023
S.D.

W.P.A. 25101 of 2022

**Manoj Ghosh
Vs.
Union of India & Ors.**

Mr. Yogesh Kumar Sharma
Mr. Ramjee Singh
Mr. Atul Sureka

... For the Petitioner

Mr. Pulakesh Bajpayee

...For the Respondents

Affidavit of service filed in Court today is retained with the records.

The petitioner was employed with the Central Reserved Police Force (in short, **CRPF**). On April 4, 2022, a show-cause notice was issued against the petitioner for Alcohol Dependence Syndrome (in short, "**ADS**"). The said notice was served on the petitioner on May 3, 2022. The petitioner was required to reply to the show-cause. The petitioner failed to reply to the said show-cause notice. By an office order dated September 26, 2022, the petitioner was invalidated from service. However, the entire pensionary

benefits were given to the petitioner under Rule 38(1) of the Central civil Service Pension Rules, 1972.

Mr. Sharma, learned counsel appearing on behalf of the petitioner submits that the petitioner was considered **fit** for life and secondary works, but instead of giving such work to the petitioner, he was terminated from service.

Mr. Bajpayee, learned counsel appearing on behalf of the Union of India submits that the petitioner was given light/sedentary works without arms and ammunitions at the signal centre, Silchar. There also, the petitioner failed to come to duty regularly. On February 13, 2021, the petitioner was sent to Composite hospital for Review Medical Examination where he was declared **unfit** and was categorized as medical category, say-V. The petitioner was kept under complete medical supervision from March 19, 2021, but showed abnormal behavior, violent nature towards his colleagues. He was frequently under the influence of alcohol and did not comply with the advice given in counselling. He had poor motivation to stop consumption of alcohol. The Medical Invalidation Board (MIB) found that his further stay with the Board, i.e. further continuance with the service would be detrimental to the morals of the Force. He was considered to be a burden on the unit and was recommended **unfit** for

service. The appeal even though submitted three months after the date of the receipt of the notice of invalidation was considered and rejected since the percentage of disability fixed by MIB was found to be correct as per the medical manual. Therefore, the petitioner was invalidated from service.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the order of invalidation/termination dated September 26, 2022 is a reasoned order. The petitioner was given light duties, but even then he could not discharge the same satisfactorily. The behavioral pattern of the petitioner shows that he is **unfit** to discharge his duties as a member of the Force and will be detrimental to the moral of the Force. Furthermore, the easy access to arms and ammunitions may also result in dangerous consequence if the petitioner is retained in the Force.

In the light of the discussions above, the writ petition being **W.P.A. 25101 of 2022** is **dismissed**.

Exception to the report handed over in Court today is retained with the records.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)