



WEB COPY



W.P.No.20205 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.20205 of 2020 & 1449 of 2021 and
W.M.P.Nos.24966, 24969 of 2020 & 1623 of 2021

K.Arikesavan

... Petitioner in both W.Ps.

Vs.

1.The Deputy Inspector General of Police,
Group Centre, Central Reserve Police Force,
Avadi, Chennai 600 065.

2.The Deputy Inspector General (Medical),
Composite Hospital,
Central Reserve Police Force (CRPF),
Avadi, Chennai 600 065. ... Respondents in W.P.No.20205 of 2020

1.The Deputy Inspector General of Police,
Group Centre, Central Reserve Police Force,
Avadi, Chennai 600 065.

2.The Commandant,
Office of the Deputy Inspector General of Police,
Group Centre, Central Reserve Police Force,
Avadi, Chennai 600 065. ... Respondents in W.P.No.1449 of 2021

Prayer in W.P.No.20205 of 2020: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to impugned order of the second



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respondent in No.M.III-1/2020-CHAVD-EC-II dated 02.12.2020 and quash the same and direct the respondents to re-constitute competent Medical Invalidation Board (MIB) to medically invalidate out the petitioner from service by assessing and awarding appropriate disability factor and grant him all consequential benefits including disability pension with ex-gratia monetary benefits under CCS (EOP) Rules.

Prayer in W.P.No.1449 of 2021: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records to impugned order of the second respondent in No.D-II-1/2020-GC AVD-Estt-II dated 29.12.2020, and quash the same and direct the respondents to grant him all consequential benefits.

For Petitioner : Mr.J.Lakshmi Narayanan
in both W.Ps
For Respondents
in W.P.No.20205 of 2020 : Mr.V.Ashok Kumar
For Respondents
in W.P.No.1449 of 2021 : Mr.T.V.Krishnamachari

COMMON ORDER

These Writ Petitions have been filed to issue a Writ of Certiorarified Mandamus, to call for the records relating to impugned order of the second respondent in No.M.III-1/2020-CHAVD-EC-II dated 02.12.2020 and quash the same and direct the respondents to re-constitute competent Medical Invalidation Board (MIB) to medically invalidate out the petitioner from service by assessing and awarding



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appropriate disability factor and grant him all consequential benefits including disability pension with ex-gratia monetary benefits under CCS (EOP) Rules and call for the records of the impugned order of the second respondent in No.D-II-1/2020-GC AVD-Estt-II dated 29.12.2020, and quash the same and direct the respondents to grant him all consequential benefits.

2. Heard Mr.J.Lakshmi Narayanan, learned counsel for the petitioner in both Writ Petitions and Mr.V.Ashok Kumar and Mr.T.V.Krishnamachari, learned counsels for the respondents in both Writ Petitions.

3. The learned counsel for the petitioner submitted that the petitioner joined as Constable in CRPF. When he was undergoing training at Avadi, he met with an accident on 11.07.2015 and he got injury in his knee portion of the left leg. He was referred to Rajiv Gandhi Government Hospital for specialist treatment on 08.08.2015. On 02.09.2015, he underwent Arthroscopic ACL. He was under medical rest



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till 02.02.2016. The petitioner was advised to undergo PCL + LCL reconstruction. After the treatment, he appeared before the Departmental Rehabilitation Board and it is declared that the petitioner is unfit for basic recruitment training. Subsequently, the Court of Enquiry conducted the Enquiry and passed an order on 16.11.2016 by stating that the petitioner is entitled to the benefits applicable to the Government Servants, if his incapability is very severe due to the above injury. He was referred to Departmental Rehabilitation Board for assessing his suitability.

3.1. The petitioner appeared before the Departmental Rehabilitation Board held on 08.09.2017. The Board gave him one year time to become medically fit and undergo training. After a lapse of one year, he again appeared before the Board. The Departmental Rehabilitation Board *vide* his order dated 21.01.2019 recommended that he could be accommodated in any other post like CT / Dafty/Peon/enrolled followers for which basic training is not required. When the proposal was sent to obtain approval from the competent



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authority, the competent authority turned away the said request.

Thereafter, the petitioner appeared before the Medical Board of Composite Hospital, Hyderabad. The above Board found that he is unfit as how he was recommended by Departmental Rehabilitation Board.

3.2. On 23.12.2019, the Board recommended for constitution of Medical Invalidation Board for considering the case of the petitioner for medical invalidation. Hence the first respondent referred the petitioner to the second respondent for assessing the percentage of disability. The petitioner appeared before the Committee constituted by the second respondent in the first week of March, 2020. Without making any specific investigation, the Medical Invalidation Board has passed an order on 02.12.2020, by stating that the petitioner is fit for training. Due to the said injury, the petitioner could not report for duty and hence, the second respondent had issued a notice for termination of service on 29.12.2020. Hence, the petitioner has filed these Writ Petitions challenging the above said orders.



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4. The learned counsel for the respondents submitted that the Medical Invalidation Board had conducted a fresh examination on the petitioner and found that he is fit for training and hence the petitioner is not entitled for the benefits of Departmental Rehabilitation Board. Since the petitioner has not chosen to join for training, he was issued with the notice for termination.

5. The sole submission of the learned counsel for the petitioner is that once the Departmental Rehabilitation Board issues certificate as to the permanent unfitness of the petitioner to undergo training, the Medical Invalidation Board ought to have assessed the percentage of disability.

6. On perusal of the medical records and the intensive treatment taken by the petitioner and the order of the Departmental Rehabilitation Board, I feel that the order passed by the Medical Invalidation Board cannot be correct. In the light of the above materials, the respondents could have considered the petitioner's case for accommodating him in any alternative employment suitable to his medical condition. Since the



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Departmental Rehabilitation Board has assessed the petitioner and certified his severe disability, the Medical Invalidation Board unmindful of the medical condition of the petitioner, have passed the order for requiring the petitioner to undergo training. Hence, I feel appropriate direction should be given to the respondents to consider the case of the petitioner and accommodate him in any alternative posts.

7. In the result, these Writ Petitions are allowed and the impugned orders in No.M.III-1/2020-CHAVD-EC-II dated 02.12.2020 and No.D-II-1/2020-GC AVD-Estt-II dated 29.12.2020 are set aside and the respondents are directed to consider the case of the petitioner and pass orders to accommodate him in any alternate post suiting to his medical condition. No costs. Consequently, connected miscellaneous petitions are closed.

27.11.2023

Index : Yes
Internet : Yes/No
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R.N.MANJULA, J.

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To

1.The Deputy Inspector General of Police,
Group Centre, Central Reserve Police Force,
Avadi, Chennai 600 065.

2.The Deputy Inspector General (Medical),
Composite Hospital,
Central Reserve Police Force (CRPF),
Avadi, Chennai 600 065.

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3.The Commandant,
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