

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8237 of 2018

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Deepak Kumar @ Dipak Kumar S/o Sri Shiv Kailash Chauhan, Constable
No. 061700040, Central Industrial Security Force, NTPC- CIS

... .. Petitioner/s

Versus

1. The Union Of India
2. The Director General, Central Industrial Security Force Ministry of Home Affairs Head Quarters,
3. The Deputy Inspector General, Central Industrial Security Force, Head Quarter Eastern Zone, Boring
4. The Commandant, Central Industrial Security Force KHSTPP Kahalgao, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Giri, Adv.
For the Respondent/s	:	Mr.S.D Sanjay Addl. Soc. Gen.
For U.O.I.	:	Mr. Amrendra Nath Verma, Sr. CGC
		Mr. Rakesh Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 30-04-2024

Learned counsel for the petitioner and learned counsel
for the Union of India are present.

2. Learned counsel for the petitioner has filed the present writ petition seeking direction in the form of Mandamus commanding the respondents to make suitable compensation with due interest thereon to the petitioner for mental harassment and physical agony which the petitioner is suffering from disability and his delay posting for LNC personnel as per the rule/direction of the Medical Branch, M-20015 (18/CISF/Med-Dir/Duties for LMC-2017-335 dated 17th March, 2017 issued and signed under the



signature of DIG/Director (Medical) Central Industrial Security Force (Ministry of Home Affairs) (hereinafter referred as CISF).

3. Learned counsel for the petitioner submits that the petitioner was appointed as a constable in the year 2006 in CISF. He has completed training force Commando, WTTOT course successfully. However the petitioner received injury in his backbone during his training on 26.06.2010, due to which the petitioner became incapable to discharge duty of Commando. On the application of the petitioner, he was examined by Medical Board on 27.04.2013. The Medical Board has recommended for light duty of the petitioner. Learned counsel further submits that the petitioner underwent the spinal cord operation in July, 2017 in the departmental hospital and as per the medical report he was not found fit for heavy duty and he had to go for surgery.

4. Learned counsel for the petitioner submits that the petitioner was not allotted light duty. Thereafter, he moved before the Hon'ble Allahabad High Court in Writ Petition no. 11703 of 2016, vide order dated 30.10.2017, it was directed that the respondents shall allot light duty to the petitioner as recommended by the Doctor in accordance with the rule and with this direction the Writ Petition no. 11703 of 2016 was disposed off.



5. Counsel submits that the petitioner while in medical treatment was not provided special leave for the treatment of his disease, rather it was cut from his earned leave. Counsel submits that the petitioner was not provided the relief as granted by the Writ Court of Hon'ble Allahabad High Court then he preferred contempt application and during the pendency of the contempt application he was provided light duty. Counsel submits that the petitioner was not provided the duties which is light in nature and due to this reason the petitioner has suffered different type of mental agony, physical harassment as well as financial loss.

6. Counsel further submits that the petitioner is still suffering from severe kind of 'slip disc' and he was in need of special treatment. In this regard, he has already filed representation before the Director General, CISF, CGO complex, Lodhi Road, New Delhi. Counsel submits that due to inaction in the part of the officials of the CISF, petitioner is suffering from mental agony and physical harassment and incurred huge financial loss and therefore he again preferred the present writ petition before this Hon'ble Court. His representation is annexed as Annexure-3 of the writ petition.

7. Learned counsel for the Union of India submits that as soon as the officials have received information in the month of



January, 2018 letter was issued from the Medical Branch of the Ministry of Home Affairs vide letter no. 180 dated 07.02.2018 in which it has been accepted that the medical claims bills are being reimbursed to the individual by the KHSTPP management as per rule and presently on the basis of reference of KHSTPP hospital. It has also been mentioned that his treatment is going on at Peerless hospital, Kolkata and expenditure thereof are being borne by the KHSTPP management.

8. In the light of the submissions made by the parties and the documents on record, it transpires to this Court that officials of CISF is ready to provide the medical reimbursement to the petitioner. It is made clear that presently the grievance of the petitioner is for medical bill but in case the petitioner have any other grievances relating to the payment of his arrears or dues of his salary etc, he shall be at liberty to file fresh representation before the competent officials of the CISF.

9. With this observations, the present writ petition is disposed off directing the petitioner to file fresh representation for all his grievances before the authority concerned, particularly, respondent no. 3, who after considering the grievances of the petitioner made in his representation shall decide it completely in



accordance with law within 90 days from the date of receipt/production of his representation along with this order.

10. Since the general elections of Lok Sabha, 2024 is going on so the said 90 days shall be counted from the end of the general elections of Lok Sabha, 2024.

(Dr. Anshuman, J)

Sudha/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	01.05.2024
Transmission Date	NA

