Serial No.03
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP (C) No.221 of 2018 Date of Order: 26.11.2024

No. G/214300W Rfn/GD
Shri. Shaiju PV,
S/o P N Viswambharan
2 Assam Rifles, C/o 99 APO

….. Petitioner

-Versus-

1.The Union of India represented by the
Secretary, Ministry of Home Affairs
Government of India, New Delhi.

2. The Directorate General of Assam Rifles
Laitkor, Shillong, Meghalaya – 793010

3. The Brigadier (Pers),
H.Q.: Directorate General Assam Rifles,
Laitkor, Shillong– 793010, Meghalaya

4. The Record Branch, H.Q.: Directorate General
Assam Rifles, C/o 99 APO

5. The Commanding Officer, 2nd Assam Rifles,
C/o 99 APO

…..Respondents

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. R. Jha, Adv

For the Respondent(s) : Dr. N. Mozika, DSGI with
Ms. L.M.D. Marak, Adv

ORAL:-

Heard Mr. R. Jha, learned counsel appearing for the petitioner and also Dr. N. Mozika, learned DSGI along with Ms. L.M.D. Marak, learned counsel appearing for the respondents.

By this writ petition the petitioner has challenged the order dated 03.05.2018 by which the petitioner was discharged from service on medical ground. It appears from the record that at the stage of motion of this matter, an interim order dated 31.07.2018 was passed in favor of the petitioner on the strength of which the petitioner is continuing his service till today. No attempt has been made by the respondent to get the said

interim order vacated. Since the petitioner is continuing in service for more than 6 years on the strength of the interim order, it appears that the respondents at present do not have any issue with regard to the present medical condition of the petitioner.

In the above situation, as agreed to by the learned counsel appearing for the parties, without referring to the merits and demerits of the matter, for the interest of justice, the impugned discharge order dated 03.05.2018 is hereby set aside with liberty to the respondents to assess the current medical condition of the petitioner and to pass appropriate order in this regard in accordance with law.

With the aforesaid, this writ petition stands disposed of.

Judge

Meghalaya
26.11.2024
"Biswarup PS"

Signature Not Verified
Digitally signed by BISWARUP BHATTACHARJEE
Date: 2024.11.27 16:54:52 IST