



W.P.No.15779 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.15779 of 2011

B.Ravichandran

...Petitioner

Vs.

1.Union of India,
Represented by its Secretary to Government,
Ministry of Home Affairs,
New Delhi.

2.The Director General,
C.R.P.F., CGO Complex,
Lodhi Road, New Delhi.

3.Deputy Inspector General of Police,
C.R.P.F., Avadi, Chennai – 65.

4.The Commandant,
42 Battalion, C.R.P.F.,
Keshogiri, Old K.V.School,
Barkas, Hyderabad – 5.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 24.06.2011 in his office order No.P.III-1/2011-42-EC-11 issued by the 4th respondent herein and quash the same and to direct the respondents to take the petitioner into the strength of CRPF as Constable and to pay all monetary benefits.



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For Petitioner : Mr.C.P.Sivamohan
For R1 to R4 : Mr.M.Arvind Kumar
SCGPC

ORDER

This writ petition has been filed to call for the records relating to the impugned order, dated 24.06.2011, in office order No.P.III-1/2011-42-EC-11 issued by the 4th respondent herein and quash the same and to direct the respondents to take petitioner into the strength of CRPF as Constable and to pay all monetary benefits.

2.It is submitted that at the time of filing the writ petition, an order of interim stay was granted in W.P.No.17089/2007 and in W.A.No.1902/2009. On the basis of the interim stay granted, petitioner was continuing in service. During the pendency of this writ petition, the Deputy Inspector General of Police, Group Centre, C.R.P.F., Avadi, has issued proceedings in order No.J.II.37/2011 Pairvi Cell dated 11.02.2023. As per this proceedings, petitioner was found not a fit case for invalidation from service. Petitioner has now recovered from Shape-3 P3(P) category with effect from 12.09.2021 and eligible to be retained in



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service. In terms of this proceedings, petitioner is continuing in the service. Therefore, nothing survives in this writ petition.

3.It is stated in the aforesaid proceedings as follows:

4.As such the competent authority (ie., DIG(Law)Dte, CRPF, New Delhi) vide message No. J.II.643/2011-Law-II, dated 26/04/2022 and IGP Southern Sector, CRPF, Hyderabad vide message No. J.II.112/2007-SS-Legal dated 11/04/2022 accorded approval to this office to inform the following fact to the Hon'ble court, that in accordance with the present Medical Category, the petitioner is not a fit case for invalidation from service now as per SO-04/2011 owing to his present medical category. Further the individual was declared unfit during MIB in 2011 and he put his service with the deformity for last 10 years and now regained SHAPE-3 P3(P) category we.f. 12/09/2021 and eligible to retained in service. However, the petitioner will strictly follow the Medical category guidelines available in SO-04/2008 to avoid facing MIB in future.



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5.Since the medical categorization of the petitioner is SHAPE-3 as on 15/11/2022 he is fit for retention in service as of now. Hence the subject writ petition becomes infructuous. In view of the above you are requested to take effective steps to list the case for early hearing and get the case closed by apprising above facts before the Hon'ble Court please.

4.In view of the fact that petitioner has been continuing in service in view of the stay order granted by this Court in W.P.No.17089/2007 and in W.A.No.1902/2009 followed by the aforesaid proceedings, there is nothing survives for adjudication in this petition.

5.Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition, if any, is also closed.

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Internet: Yes
Index: Yes/No
Speaking/Non speaking order
NCC: Yes/No



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- 3.Deputy Inspector General of Police,
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G.CHANDRASEKHARAN, J.

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