

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

122

CWP-3502-2024
Date of Decision: 16.02.2024

Sanjay Kumar ...Petitioner

Versus

UOI and others --- Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Lalit Rishi, Legal Aid Counsel
for the petitioner.

Mr. Shivoy Dhir, Senior Panel Counsel
for Union of India-respondent Nos. 1 to 4.

Mr. Sudhir Nar, Senior Panel Counsel
for Union of India-respondent No. 5.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of Constitution of India is seeking setting aside of order date 18.12.2023 (Annexure P-21) whereby his representation has been rejected.
2. The petitioner is working with respondent as Water Carrier. The petitioner has been assigned job of cook. The petitioner during the course of his employment has suffered some injury. He claims that he may be assigned lighter duty in view of his medical condition. This is 3rd round of litigation. Last writ petition No. 18740 of 2023 of the petitioner was disposed of vide order dated 05.10.2023. The said order is reproduced as below:

“1. *Learned counsel for the petitioner, at the outset, submits that grievance of the petitioner would be redressed, if*

respondents are directed to re-consider representation of the petitioner in the light of the medical report.

2. Learned counsel for the respondent submits that if petitioner files a fresh representation, it would be considered and disposed of within four weeks from the date of its filing.

3. In the wake of statements of learned counsels for the parties, the present petition stands disposed of with liberty to the petitioner to file a fresh representation. On doing so, the respondents shall dispose of the same within four weeks from the date of filing representation.”

3. In compliance of said order, the respondent has passed impugned order wherein respondent has noticed that petitioner is cooking food for 16-18 employees and there are two Water Carriers. The respondent has further noticed that no recommendation has been received from Railway Board recommending lighter duty or medical de-categorization of petitioner. The relevant extracts of the impugned order dated 18.12.2023 are reproduced as below:-

“In compliance of the above order, Divisional Medical Committee of the above named employee was held from 24.05.2023 to 30.05.2023 at Northern Railway Divisional Hospital/Ambala and after detailed examination medical committee is of the opinion that Sh. Sanjay kumar S/o Sh. Laxman Singh, age-45 years Male, is FIT for his original post of Security Constable (Water Carrier)/RPF in his original medical category Bee-one. The recommendations of the Divisional Medical Committee were duly informed to the petitioner vide L.No. E-5/RPF/UMB/Court Case-Narrative-report/2023 dated- 07.06.2023.

The petitioner in his representation has wrongly submitted that he has to perform 8, 12 hours job wherein he cooks food for nearly 50-100 people every day. The present strength of RPF post Chandigarh is only 65 in total which includes staff living in the quarters as well. As per the mess records, only 16-18 staff utilize the mess facility of the barrack. Further, one more Water Carrier is posted at the post. So the petitioner is clearly stating false facts in his representation for getting a favourable decision.

Till date, no recommendation has been received from Railway Medical Board recommending light duty or medical de-categorisation of the petitioner. Hence, the representation of the petitioner is disposed off as per the extant rules and medical advice submitted by Divisional Medical Committee. This order is to be duly communicated to the petitioner i.e. WC/Sanjay Kumar.”

4. From the perusal of findings recorded by respondent, this Court finds that petitioner does not want to work at all and he is habitual of filing writ petitions. The petitioner has been assigned duty to cook food of a unit where 65 employees are staying and out of those, only 16-18 are utilizing mess facility. There is another person who is assisting the petitioner. This Court does not find any substance in the contentions of the petitioner. He should avoid unwanted litigation.

5. Dismissed.

16.02.2024

(JAGMOHAN BANSAL)
JUDGE

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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>