

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CWP-29773-2018  
Date of Decision: 12.02.2024

Harvinder Singh ...Petitioner

Versus

Union of India and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sandeep Thakan, Advocate for the petitioner  
Mr. Narinder Kumar Vashist, Senior Panel Counsel,  
for Union of India-respondents  
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JAGMOHAN BANSAL, J. (Oral)

1. On 19.12.2023, the following order was passed:-
1. *The petitioner joined C.R.P.F as a Constable on 12.05.2014. The respondent on 10.01.2017 issued show cause notice calling upon the petitioner to show cause as to why he should not be invalidated. The invalidation notice was issued on the ground that respondents observed that petitioner is a case of alcohol dependence syndrome with poor motivation. The petitioner was admitted at Composite Hospital, C.R.P.F, New Delhi from 31.08.2016 to 01.09.2016. On account of poor response of the petitioner, a Medical Board was constituted which thoroughly examined the petitioner and unanimously opined that petitioner is not fit to serve as combatant member of the Force. On the basis of opinion of the Medical Board, notice of invalidation was issued and the petitioner was granted an opportunity to submit medical certificate within 30 days from the date of show cause notice. It was pointed out that he would be examined by Medical Board constituted at Composite Hospital, New Delhi, if he files an appeal. The*

*petitioner got himself admitted in Civil Hospital, Jalandhar where he remained admitted from 02.02.2017 to 08.02.2017. The Civil Surgeon, Jalandhar sent his report on 15.02.2017 to Commandant, C.R.P.F, Jalandhar. The respondent on the expiry of 30 days period from the date of show cause notice passed impugned order dated 10.02.2017 whereby the petitioner was invalidated.*

*2. The petitioner remained admitted in Civil Hospital from 02.02.2017 to 08.02.2017. The Civil Surgeon, Jalandhar sent his report to Commandant, C.R.P.F, Jalandhar on 15.02.2017. As per the said report, the petitioner was not suffering from any psychiatric illness. The petitioner was not subjected to medical examination by Medical Board because of non-receipt of the aforesaid report from the Civil Surgeon.*

*3. Learned counsel for the respondents seeks time to get instructions with respect to possibility of re-examination of the petitioner by Medical Board at Composite Hospital, New Delhi.*

*4. Adjourned to **12.02.2024**.*

*5. To be shown in **urgent**.*

2. Learned counsel for the respondents-Union of India submits that petitioner did not prefer appeal for conducting his fresh medical examination. If the petitioner files an appeal seeking re-examination by the Medical Board, the competent authority would decide his appeal in accordance with law.

3. The petitioner was invalidated vide order dated 10.02.2017 and he approached this Court on 21.11.2018. There may be some delay in filing the appeal, however, considering the fact that matter is pending before this Court for last six years and livelihood of a family is at stake, the respondents

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are directed to consider present petition as appeal of the petitioner and pass an appropriate order, in accordance with law, within 8 weeks from today.

Disposed of in above terms.

(JAGMOHAN BANSAL)  
JUDGE

12.02.2024  
Mohit Kumar

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