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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 3672/2024 & CM APPL. 15146/2024 –Stay

DAYA KISHAN

.....Petitioner

Through: Mr.Vivek Sheel, Ms.Deepshika &
Mr.Anshul Mahayan, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.Jagdish Chandra & Mr.Prakhar
Srivastava, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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02.08.2024

1. The petitioner, who is serving as a Constable (General Duty) in the Indo Tibetan Border Police Force (ITBP), has approached this Court seeking the following reliefs:-

*“(i) This Hon’ble Court may graciously be pleased to quash and set aside the impugned Medical Board proceedings dated 09.12.2023 (Annexure-P-1); and
(ii) This Hon’ble Court may kindly be pleased to quash and set aside the impugned notice No: ITBP/50BN/ESTT-2/MEDICAL BOARD OUT/2024-456 dated 02.02.2024 issued by Respondent No. 4 (Annexure-P-2); and /or;
(iii) That this Hon’ble Court may kindly declare that the disability sustained by the Petitioner as attributable to Govt. service in view of the findings of Court of Inquiry dated 13.04.1998 or, in alternative, issue appropriate Writ to Respondents No. 2-5 to convene a Review Medical Board to examine the Petitioner afresh; and
(iv) Further direct the Respondent No. 2 to pass a speaking order on the representation dated 18.02.2024 preferred by the Petitioner seeking reliefs of release of sanction of prosthetic limb or equivalent grantin- aid and further compassionate appointment for family member of*



the Petitioner; and/or

(v) Pass such other or further order or orders as this Hon'ble Court may feel deem fit and proper in the facts and circumstances of the case."

2. On the last date, taking into account the petitioner's grievance that he was, despite his repeated requests, not being examined by a Review Medical Board, the learned counsel for the respondents was granted time to obtain instructions.
3. Today, he submits that the petitioner already stands examined by a Review Medical Board on 13.04.2024, wherein it has been found that the disabilities from which he is suffering are attributable to service. He further submits that further action based on these recommendations of the Review Medical Board will be taken shortly.
4. In the light of the aforesaid stand taken by the respondents, we dispose of the petition by directing the respondents to provide a copy of the Review Medical Board proceedings held on 13.04.2024 to the learned counsel for the petitioner and decide his representation dated 18.02.2024 within a period of eight weeks by passing a reasoned and speaking order.
5. Needless to state in case, the petitioner is aggrieved by any order passed by the respondents, it will be open for him to seek legal recourse as permissible in law.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 2, 2024

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