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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12038/2023

RAMAVTAR

.....Petitioner

Through: Mr. Tarun Sharma, Mr. Manek
Sharma and Mr. Abid Ali, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Raj Kumar, CGSC with Mr. D.P.
Singh, Officer, Railway.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

05.09.2024

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1. The petitioner who is serving in the Railway Protection Special Force has approached this Court under Article 226 of the Constitution of India seeking the following reliefs:-

“(i) Issue a writ of certiorari for quashing the office order dated 18.08.2023 issued by the respondents whereby the petitioner has been re-deployed as Wireman-III Level 2;

(ii) Issue a writ of mandamus directing the respondents to redeploy the petitioner in Ministerial Cadre of Railway Protection Special Force or in any other suitable department commensurate with medical condition of petitioner such as Commercial, Medical, Personnel, etc.”

2. Learned counsel for the petitioner submits that as per the opinion given by the Standing Medical Board on 07.02.2023, who had examined the petitioner on 14.01.2023, he was found to be suffering from seizure disorder and was presently on antiepileptic drugs. The Board has therefore, in the



following terms recommended that he should be placed in Medical Category BEE-two:-

“In view of the above, “The members of the Standing Medical Board are o the opinion that Sh. Ram Avtar S/o Sh. Azad Singh, Working as Constable/15-BN/RPSF/UHP-JAT in medical category BEE-ONE. However, he is fit in medical category BEE-two and below with restriction to employee near running or moving machinery, climbing on pole/over head tanks/bridges, fire-arm, cash handling, train running and passing and night duties.”

3. He submits that despite specific recommendations of the Standing Medical Board, the petitioner has been posted as an Electric Pump Driver and is regularly required to be in the vicinity of moving trains. Further, as per the respondents’ own manual the post of Electric Pump Driver can be assigned only to an employee in BEE-one category. He, therefore, prays that the respondents be directed to reconsider the petitioner’s deployment by taking into account the opinion given by the Medical Board.

4. In response, learned counsel for the respondents submits that the petitioner was posted as an Electric Pump Driver only on the basis of his specific request letter dated 26.09.2023. However, after some arguments, he submits that taking into account the opinion of the Standing Medical Board, the respondents will re-consider the petitioner’s deployment and pass an appropriate posting order.

5. In the light of this stand taken by the parties, the writ petition is disposed of by directing the respondents to reconsider the petitioner’s present deployment as an Electric Pump Driver and issue appropriate order deputing him on any suitable post commensurate with his medical category. Orders in this regard will be passed within eight weeks. Needless to state, in



case the petitioner is still 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

SEPTEMBER 5, 2024
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