



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Date of decision: January 11, 2024

+ **W.P.(C) 13369/2021**

SATISH KUMAR

..... Petitioner

Through: Mr. Samar Vijay Singh, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Vineet Dhandha, CGSC

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

V. KAMESWAR RAO, J. (ORAL)

1. The petition has been filed by the petitioner for the following prayers:

“In the facts and circumstances of the case, it is most respectfully prayed that this Hon’ble Court be pleased to: -

(i) issuance of a writ of Mandamus directing the respondents to declare the petitioner as unfit in medical category B-1 as hearing Aid is not permissible in this category and further to recommend him fit for alternative employment on Medical Ground in Medical Category Cye-One (C-1) and below as per IRMM 2000 Para 511 (4) (ii); and

(ii) direct the respondent No.2 to 3 to compensate the petitioner for his loss of salary of 3 months and paid leaves for a period of 15 months due to the delay in declaring petitioner as Fit on 19.08.2020; and



(iii) Pass any such other orders as it may deem fit to this Hon'ble Court in the facts and circumstances of the case."

2. In effect, the grievance of the petitioner is that for medical reasons he should have been downgraded to C-1 Category instead of B-1 Category.
3. The counsel for the petitioner submits that the Regulations issued by the respondents, IRRM 2000 Para 511 (4) (ii), supports the case of the petitioner. He also states that, he shall be assigned duties as per his medical category.
4. We have heard the learned counsel for the petitioner and Mr. Dhanda, CGSC.
5. At this stage, Mr. Dhanda submits that the respondents shall again medically examine the petitioner more particularly with regard to his hearing capacity and act accordingly.
6. The above submission of Mr. Dhanda is agreeable to the learned counsel for the petitioner.
7. If that be so, the respondents shall medically examine the petitioner in respect of his hearing capacity and then act accordingly.
8. The aforesaid exercise must be carried out within four weeks as an outer limit. The date and time for the petitioner to appear before the Medical Board shall be intimated to the petitioner at least one week in advance.
9. It goes without saying, if the petitioner is aggrieved by the order to be passed by the respondents, pursuant to medical examination, the petitioner shall be at liberty to seek such remedy as available in law.



2024 : DHC : 228-DE



11. With the above, the petition stands disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

JANUARY 11, 2024/So