



WEB COPY



W.P.No.18124 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 7/3/2025

C O R A M

The Hon'ble **Mrs.JUSTICE BHAVANI SUBBAROYAN**

Writ Petition No.18124 of 2023

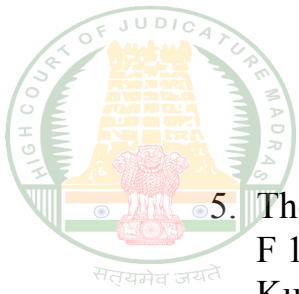
B. Narayanaiah

...

Petitioner

Vs

1. The Director General of Police
Central Reserve Police Force
C.G.O Complex, Lodhi Road
New Delhi 110 003.
2. The Inspector General of Police/
Director Medical
Office of the Directorate (CRPF)
CGO Complex, Lodhi Road
New Delhi 110 003
3. The Inspector General of Police
CRPF Road, No.10 C
New MLA/MP's Colony
Gayatri Hills, Jubilee Hills
Hyderabad – Telangana 500 033.
4. The Deputy Inspector General of Police
Central Reserve Police Force
Group Centre, Avadi
Chennai 600 065.



W.P.No.18124 of 2023

WEB COPY

5. The Commandant
F 18 Bn, Central Reserve Police Force
Kulgam, Pulwana District
Jammu & Kashmir 192 231. ...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned communication of brief finding of medical invalidation board proceedings No.M.III-1/2022-EC-IV dated 13/7/2022 and consequential order passed by the fifth respondent in his order No.M301/23-18 Stha.Char dated 12/1/2023 and subsequently impugned order passed on the appeal dated 24/1/2023 by the fourth respondent in his order No.R.XIII-18/2023-EC-3 dated 16/6/2023 and quash the same and direct the respondents to take the petitioner into the strength of CRPF as Constable and referred the petitioner to Department medical review board (DRB) for further consideration.

For petitioner ... Mr.M.S.Mujibur Rahman

For respondents ... Mr.K.Gunasekar
SPCCG
for R.R.1 to 4

No appearance for R.5.

- - - - -



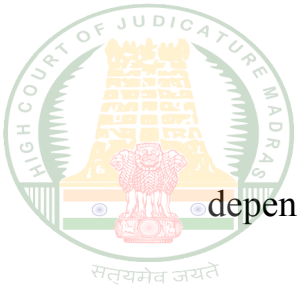
W.P.No.18124 of 2023

ORDER

WEB COPY This writ petition has been filed to quash the impugned communication of brief finding of medical invalidation board proceedings No.M.III-1/2022-EC-IV dated 13/7/2022 and consequential order passed by the fifth respondent in order No.M301/23-18 Stha.Char dated 12/1/2023 and subsequently, impugned order passed on the appeal dated 24/1/2023 by the fourth respondent in his order No.R-XIII-18/2023-EC-3 dated 16/6/2023 and direct the respondents to take the petitioner into the strength of CRPF as Constable and refer the petitioner to Department medical review board (DRB) for further consideration.

2. Brief facts that led to the filing of the writ petition are as follows:-

The petitioner was appointed as a Constable in the year 2004 at Jalandur Punjab. After completion of 12 months training, he was posted at 16th Bn in the year 2005 and thereupon he was transferred to different places as required in the interest of the Force. While serving at Group Centre Hyderabad from 2015 to 2019, the petitioner was subjected to an annual medical review, wherein he was categorized as Shape – 5 for alcohol



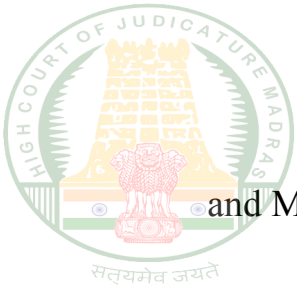
dependency syndrome.

WEB COPY

3. The main grievance of the petitioner is that although petitioner had obtained medical report from Government Medical College Hospital, Nellore, stating to consider the case of the petitioner, but the fourth respondent without doing so, issued the impugned order dated 12/1/2023, wherein the petitioner was declared as unfit on account of alcohol dependency syndrome and his disability was assessed at 0% disability.

4. Thereafter, the petitioner had filed an appeal before the fourth respondent on 24/1/2023 and vide order dated 16/6/2023, fourth respondent had rejected the appeal on the ground that the appeal preferred by the petitioner is against the medical invalidation from the service and hence, it does not come under the purview of Rule 28 of the Central Reserve Police Force Rules, 1995, as this Rule is applicable to prefer appeal to those awarded with the punishment under Rule 27 only. Being aggrieved, the petitioner has come forward with the instant writ petition.

5. Heard Mr.A.S.Mujibur Rahman, learned counsel for the petitioner



W.P.No.18124 of 2023

and Mr.K.Gunasekar, learned SPCCG for the respondents 1 to 4.

WEB COPY

6. There is no representation on behalf of the fifth respondent.

7. The learned counsel appearing for the petitioner would submit that since the petitioner's appeal was against the order of the medical Board, the same ought to have been considered by the Director General of the CRPF. If the Director General was of the view that there is a requirement, the appropriate procedure would have been to direct the Director of Medical to constitute a review medical board.

8. The learned SPCCG, appearing for the respondents 1 to 4 would submit that the appeal of the petitioner was rejected on the ground that an appeal against medical invalidation from service does not falls under the purview of Rule 28 of the CRPF Rules, 1955, as this Rule is applicable to prefer appeals to those awarded with the punishments under Rule 27 only. His invalidation from service was given effect to, as a result of medical review and that no penalty was awarded to him and an interim reply to the above said effect has been conveyed to the petitioner, vide letter



W.P.No.18124 of 2023

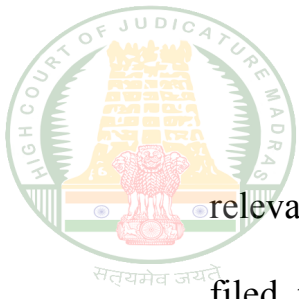
No.RXIII.18/2023-EC-3 dated 16/6/2023. Hence, prays for dismissal of the writ petition.

WEB COPY

9. Perused the materials available on record.

10. The petitioner has been placed in Shape – 5 category and has also declared that the petitioner is unfit for service on the basis of Alcohol Dependence Syndrome. However, no adverse entry or complaint was recorded against the petitioner in respect of consuming liquor while he was in duty. Even though the petitioner had got medical report from Government Medical College Hospital, Nellore, the petitioner was invalidated from service based on the grounds of medical invalidation 0% dependency of alcohol syndrome.

11. In the said circumstances, this Court is of the considered view that interest of justice would be met on a fresh appeal being filed by the petitioner before the Director General of CRPF, bringing on record all the



W.P.No.18124 of 2025

relevant aspects that he may desire to raise and upon the said appeal being filed, the Director General may pass his reasoned order.

WEB COPY

12. Accordingly, the appeal be filed before the Commandant and upon the same being submitted, the Commandant may transmit the appeal of the petitioner before the Director General as required. The reasoned order be passed by the Director General on the appeal within a period of three months from the date of filing of the appeal.

13. With the above direction, this writ petition is disposed of. No costs.

7/3/2025

mvs.

Index: Yes/No

Neutral Citation: Yes/No

V.BHAVANI SUBBAROYAN,J



W.P.No.18124 of 2023

mvs.

To
WEB COPY

1. The Director General of Police
Central Reserve Police Force
C.G.O Complex, Lodhi Road
New Delhi 110 003.
2. The Inspector General of Police/
Director Medical
Office of the Directorate (CRPF)
CGO Complex, Lodhi Road
New Delhi 110 003
3. The Inspector General of Police
CRPF Road, No.10 C
New MLA/MP's Colony
Gayatri Hills, Jubilee Hills
Hyderabad – Telangana 500 033.
4. The Deputy Inspector General of Police
Central Reserve Police Force
Group Centre, Avadi
Chennai 600 065.
5. The Commandant
F 18 Bn, Central Reserve Police Force
Kulgam, Pulwana District
Jammu & Kashmir 192 231.

W.P.No .18124 of 2023

7/3/2025