



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CWP-8417-2022 (O&M)

Date of decision: 05.02.2025

Sh. Gopi Ram

...Petitioner

VERSUS

Union of India and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Deepak Vashishth, Advocate for the petitioner.

Mr. Gaurav Pathak, Advocate for the respondents-UIO
(through V.C.).

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present petition is to the order dated 25.07.2017 (Annexure P-4) whereby the petitioner was declared unfit for basic training by the CISF Medical Board and his services have been terminated.

Learned counsel appearing on behalf of the petitioner contends that an alternative prayer has been made by him for seeking issuance of directions to the respondents to assess the permanent disability of petitioner on account of his paralytic conditions. In the event of the petitioner being found to possess the benchmark disability as prescribed under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as '*the Act of 1995*'), the benefits as admissible to him under the said Act, as amended, be extended.

Learned counsel appearing on behalf of the respondent,



225 CWP-8417-2022 (O&M)

however, contends that the petitioner could not fulfill the prescribed physical standards and hence, his services have been terminated.

On a specific query pointed out by this Court, if the provisions of the Act of 1995 would be applicable for engagement on non-combatant posts with the respondents as well, counsel does not dispute the same. He does not have any serious objection to constituting a medical board for assessing the permanent physical disability of the petitioner.

The present petition is accordingly disposed of in view of the above, with direction to the respondents (i) to constitute a medical board so as to ascertain the permanent disability of the petitioner; and (ii) in the event of the petitioner falling within the benchmark disability, to which the protection under the Act of 1995 as amended are applicable, the requisite benefits in compliance to the aforesaid statute and the instructions issued by the competent authority from time to time shall be complied with.

Let the aforesaid exercise be undertaken by the respondents within a period of 04 months of a receipt of certified copy of this order.

(VINOD S. BHARDWAJ)
JUDGE

05.02.2025
Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No