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**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.**

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**CWP-25620-2016 (O&M).
Date of Decision: 09.07.2025.**

SURESH SINGH GURJAR

... Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

... Respondent(s)

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

Present: Mr. Rajeev Anand, Advocate,
for the petitioner.

Mr. Anil Chawla, Senior Panel Counsel, with
Ms. Monica Chawla, Advocate,
for the respondents/UOI.

VINOD S. BHARDWAJ, J. (ORAL)

CM-8847-CWP-2025

Application is allowed as prayed for subject to all just
exceptions.

Compliance affidavit is taken on record.

The Registry is directed to tag the same at an appropriate place.

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Main case

Seeking setting aside of the order dated 02.07.2016 whereby the services of the petitioner had been terminated allegedly in violation of the principles of natural justice and further seeking directions to the respondents to reinstate the petitioner in service with all consequential benefits, the instant writ petition has been filed.

2 On 06.11.2024, on an alternative prayer made by the petitioner, after noticing the contentions of the petitioner, the following order was passed: -

“Learned counsel draws the attention of the Court to the alternative prayer for a direction to respondent to grant all financial/invalidment and extraordinary pensionary benefits for having been medically boarded out from service for the disablement which was attributable and aggravated by the CRPF, by relying on Rule 2 of the Central Civil Services (Extraordinary Pension) Rules, 1939, wherein there is no distinction between the temporary and permanent employee, as being wrongly projected by the respondents.

In view of the above, learned counsel appearing for the respondents prays for time to respond by filing a specific affidavit and to go through the compendium of judgments which has been handed over by learned counsel for the petitioner.

Adjourned to 05.03.2025.”

3 In compliance to the aforesaid order, a compliance affidavit by Sh. Raj Kumar son of Shri Fateh Chand, aged 57 years, IG, CRPF, working at HQ NW Sector CRPF, Chandigarh, (U.T.) has been filed by way of CM-

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8847-CWP-2025 which has been taken on record. The relevant extract thereof reads thus: -

“2. That the answering respondents are filing Compliance Affidavit in Pursuance to the order dated 06.11.2024. It is submitted that:

a) As per Para 4(viii) of Adm Directorate letter No P III-Inst/2017-18-Adm-1 (DA-2) dated 07.05.2017, "Cases of temporary CRPF personnel/recruits who are disabled in the performance of bonafide official duties under various circumstances, should not be dealt under CCS (Temporary Service) Rules 1965. Such cases should always be processed in accordance with the provisions of CCS (EOP) Rules, after observance of all requisite/procedural formalities as mentioned in CCS (Medical Examination) Rules, Standing order No 04/2011 and CRPF Medical Manual etc. (viz Court of Inquiry/ Departmental Rehabilitation Board/Medical invalidation board etc). Provision of Rule 6 of CCS (Temporary Service) Rules, 1965 are relevant for termination of a temporary Govt. servant whose medical unfitness is not attributable to Govt. Duty.

b) As per para 10.6.5 of Establishment Manual, "no employee should be kept on probation for more than double the normal period of probation i.e. 04 years, whereas the services of petitioner terminated after completion of more than 05 years of service.

c) In case of death or disability of a Govt. Servant is to be reckoned as attributable to Government service for grant of Extraordinary Family pension or disability pension of cases falling under category "B", Category C and Category 'D' of CCS EOP Rules 2023, the benefits will be same for the temporary and permanent employee who is covered under these categories.”

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4 Referring to the above, counsel for the petitioner contends that the respondents have specifically admitted even the first part of the claim made by the petitioner and have not disputed that the CCS (Temporary Service) Rules, 1956 are not applicable to the case of the petitioner and instead case of the petitioner has to be dealt with in accordance with the provisions of CCS (EOP) Rules, after observance of all the procedural formalities as mentioned in CCS (Medical Examination) Rules as well as the Standing Orders. It is also admitted by the respondents that the Rehabilitation Board of the petitioner has not been conducted and that an opinion has to be necessarily formed before a person is to be invalidated out of service.

5 In view of above, counsel for the parties are *ad idem* that the impugned order may be set aside and the matter be remitted to the respondents to refer the case of the petitioner to Rehabilitation Board for re-consideration of his disability and to ascertain the entitlement of the petitioner to the disability pension and other benefits under the CCS (EOP) Rules.

6 Accordingly, without commenting any further on the merits of the case and with the consent of the learned counsel appearing for the respective parties, the order dated 02.07.2016 is set aside with liberty to the petitioner to appear before the DIG, Group Centre (GC), CRPF, Sonipat, Haryana, on 04.08.2025 whereupon the petitioner shall be referred to Rehabilitation Board for assessment of his disability, if any. The report shall be prepared by the Rehabilitation Board as per procedure established by law and upon establishment of the claim of the petitioner, appropriate decision

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thereupon shall be taken by the respondents within a further period of 04 months. The admissible benefits/rehabilitation be thereafter given effect to by the respondents without any further delay.

7 The petition stands disposed of accordingly.

July 09, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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