

30th March., 2026
Item no.D/L 05
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 7481 of 2026**

In the matter of :
Jiban Kumar Sadhu *Petitioner*
VS.
Union of India & Ors.*Respondents*

For the Petitioner:
Mr. Dipanjan Datta
Mr. Subhajit Chowdhury
Mr. Kaustav Banerjee
Ms. Esha Basak*Advocates*

For the Union of India:
Mr. Chirantan Dawn
Mr. Goutam Sardar
Mr. A. Nath*Advocates*

1. Supplementary affidavit on behalf of the petitioner filed in Court today is taken on record.
2. The petitioner, a CISF personnel, is presently posted in Raghunathpur, Purulia within the State of West Bengal. He has annexed documents in support of the submission that he is sixty five percent disabled.
3. A disability certificate issued by the Sub-Divisional Hospital, Durgapur dated 14th June, 2025, annexed at page-58 of the writ petition, mentions that he is suffering from Locomotor Disability. The affected part of the body is the spine and the medical diagnosis is ankylosing spondylitis. The certificate is temporary and valid till 30th May, 2035.

4. The medical Board constituted in terms of the order passed by this Court on 16th May, 2025 in the earlier writ petition filed by him being WPA 9571 of 2025, advised the petitioner to undergo physiotherapy, avoid heavy work, long travel, squatting, sitting cross legged and forward bending. He has been deemed unfit for strenuous heavy work.
5. The medical Board consisted of four doctors of the Deben Mahato Government Medical College & Hospital. The members of the Board were from the department of orthopedic, surgery and medicine. The Chairman & Medical Superintendent cum-Vice-Principal of the hospital was also a member of the Board.
6. The petitioner claims that several representations were made before the authority permitting him to proceed for voluntary retirement. None of the applications have been responded to by the authority.
7. On serving a copy of the writ petition, the petitioner has been issued a relieving order dated 23rd March, 2026 mentioning that he may be relieved from his present place of posting to VSP Vishakhapatnam on 5th April, 2026.
8. Submission of the learned advocate for the petitioner is that the petitioner is practically immobile and is not in a position to move from West Bengal to Vishakhapatnam.
9. Prayer has been made to reconsider his order of posting on transfer.
10. Learned advocate representing CISF authority submits that the petitioner needs to be physically checked up once again to ascertain his medical condition.
11. There is, however, no submission with regard to the prayer made by the petitioner seeking voluntary retirement.

12. As it appears that the medical Board which was directed to be constituted for ascertaining the physical condition of the petitioner has already given a report and a disability certificate is also annexed to the writ petition which is valid till the year 2035, accordingly, the Court is not inclined to pass any order for conducting further physical checkup of the petitioner.
13. There is absolutely no reason to retain a member in service in the Force if he is medically unfit and claims to be so immobile that he is not in a position to perform his duties. The member will be a burden to the Force. Moreover, the petitioner claims to have submitted his application seeking permission to retire voluntarily. The same has also not been considered.
14. The Court, accordingly, thinks it fit to direct the authority to consider the petitioner's prayer for voluntary retirement. A decision shall be taken in the matter at the earliest but positively within a period of four weeks from the date of communication of this order. The reasoned order shall be communicated to the petitioner immediately thereafter.
15. The formalities required to be complied with by the petitioner for consideration of his prayer for voluntary retirement shall be informed to him within a week from date.
16. Till a decision is taken by the authority as directed hereinabove, the order of transfer dated 23rd March, 2026 shall be kept in abeyance.
17. The writ petition stands disposed of.
18. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

19. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)