
(2012) 01 MP CK 0061

In the Madhya Pradesh High Court

Case No : Writ Petition No : 2419 of 1998

Devendra Singh

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 03-01-2012

Acts Referred:

Citation : (2012) 01 MP CK 0061

Hon'ble Judges : Rajendra Menon, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Hon"ble Shri Justice Rajendra Menon

1. Challenging the order passed by the respondents terminating his services, petitioner had filed this writ petition in the year 1998. The order of termination has been filed by the petitioner and is dated 27.6.1997. Appeals and revision filed against the termination order have also been rejected and, therefore, petitioner has filed the writ petition.

2. Records indicate that petitioner was appointed as a Constable in the Central Reserve Police Force, sometime in November 1996. On 31.1.1997, he was sent for training to Headquarter at Bhopal and from there to the Training Institute at Srinagar, where he joined training on 19.2.1997. It is the case of the petitioner that he was found fit medically for discharging duty in the Force, but all of a sudden vide letter - Annexure A/1 dated 27.6.1997, without disclosing any reason, his service was terminated. He, therefore, representation vide Annexure A/2, which was also rejected on 8.12.1997 vide Annexure A/3, and now when no action was taken, this writ petition has been filed.

3. It is the case of the petitioner that he was medically fit and without disclosing any reasons, his services have been terminated. It is stated that as the termination of his service brought about without disclosing any reasons is an arbitrary decision, the same is illegal. It is the case of the petitioner that the

medical examination on the basis of which the respondents have tried to explain the reasons for termination is not sustainable and their arbitrary action is interfereable. It is stated that no opportunity of hearing was given to the petitioner and as his termination is without disclosing any reasons, the same is illegal.

4. Respondents have filed reply and it is pointed out by the respondents that petitioner after recruitment was undergoing training and as he was not confirmed or appointed in the permanent establishment, he continued to work as a temporary employee and, therefore, his services were terminated under sub-rule 5(1) of the Central Civil Services (Temporary Services) Rules 1965. As far as the reason for termination is concerned, it is the case of the respondents that when the petitioner was undergoing training in the Training Centre at Srinagar, it was found that he was not physically fit to perform his duties. He was, therefore, medically examined and a medical report was received on 3.5.1997 by the Director General of Training, indicating that petitioner is suffering from "Knock Knee", which is a disability for continuing in the service of the Force and, therefore, it is stated that his case was referred to the Chief Medical Officer, 20th Battalion, CRPF, Srinagar, for second medical opinion and when the second medical opinion also confirmed in its report dated 23.6.1997 that the petitioner is suffering from medical disability and as he was a case of "Knock Knee", his services were terminated. Accordingly, respondents have stated that petitioner's services were terminated during the course of training, as he was found to be suffering from "Knock Knee", a disability which prevented him from working in the Force.

5. Respondents have brought on record the medical report dated 23.6.1997 alongwith Appendix B, C and D, which indicate that petitioner Devender Singh, on medical examination, is found to be suffering from "Knock Knee" and is declared permanently unfit for service in the Force. From the records, it is clear that petitioner's services have been terminated as he was suffering from a disability (Knock Knee), which prevented his continuation in the Force and once the medical opinion indicates that the petitioner is medically unfit to work in the Force, this Court cannot in ignorance of the medical report interfere in the matter. There is nothing available on record to indicate as to how and on what reasons the medical report should be rejected. The medical reports i.e... the first medical report and the second opinion, are by Senior Doctors and Medical Board of the Force and there is nothing available on record to disbelieve the same.

6. Accordingly, finding the respondents to have terminated the services of the petitioner on the ground of his medical incapacity, no case is made out for interference.

7. The petition is, therefore, dismissed.