

\$~Suppl.-19 to 21

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P. (C) 6713/2018, CM APPL. 7951/2021

RAMESH SINGHPetitioner

Through: Ms.Saahila Lamba, Advocate.

Versus

UNION OF INDIA & ORSRespondents

Through: Mr.J.K.Singh, standing counsel for
Railway with Mr.Amit Kumar and
Mr.Saurab Sharma, Advocates.

+ W.P. (C) 6714/2018, CM APPL. 7952/2021

RAMESH KUMARPetitioner

Through: Ms.Saahila Lamba, Advocate.

Versus

UNION OF INDIA & ORSRespondents

Through: Mr.J.K.Singh, standing counsel for
Railway with Mr.Amit Kumar and
Mr.Saurab Sharma, Advocates.

+ W.P. (C) 6715/2018, CM APPL. 7960/2021

SUNIT KUMARPetitioner

Through: Ms.Saahila Lamba, Advocate.

Versus

UNION OF INDIA & ORSRespondents

Through: Mr.J.K.Singh, standing counsel for
Railway with Mr.Amit Kumar and
Mr.Saurab Sharma, Advocates.

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Date of Decision: 26th February, 2021

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

C.M.No.7951/2021 in W.P.(C) No.6713/2018

C.M.No.7952/2021 in W.P.(C) No.6714/2018

C.M.No.7960/2021 in W.P.(C) No.6715/2018

1. Present petitions have been heard by way of video conferencing.
2. Present applications have been filed by the respondent seeking vacation of interim order granted by the learned predecessor Division Bench of this Court vide order dated 27th June, 2018 whereby the operation of the respective impugned orders had been stayed.
3. Learned counsel for the respondents-applicants states that the petitioners are enjoying the benefit of the interim order by drawing salary without doing any work.
4. With the consent of the parties, the matter is taken up for hearing.
5. It is pertinent to mention that the present writ petitions had been filed challenging various office orders issued by respondents whereby the petitioners have been re-deployed as Wireman III /Powerhouse [in WP(C) 6714/2018], Tech-III/Wireman/Powerhouse [in WP(C) 6715/2018] and as Tech-III/EMU/Carshed/ GZB [in WP(C) 6713/2018] in Railway Protection Force.
6. Petitioners also seek a direction to the respondents to redeploy the petitioners in Ministerial Cadre of Railway Protection Force or in any other suitable department/cadre commensurate with medical condition of

petitioners such as Commercial, Medical, Personnel etc.

7. Ms. Saahila Lamba, learned counsel for the petitioners has drawn this Court's attention to the order dated 17th December, 2019 passed in a batch of writ petitions with lead case being W.P.(C) No.13310/2019. She also candidly states that the petitioners have no objection to their re-deployment at a lower grade in any cadre provided the job is commensurate with the medical condition of the petitioners.

8. According to her, the re-deployment posts, as at present, are non-commensurate with medical conditions of the petitioners inasmuch as the jobs involve rigorous physical activity such as climbing ladder and poles etc. while carrying weights.

9. However, Mr.J.K.Singh, learned standing counsel for the respondent-Railways states that the Suitability Committee of the respondents has found the petitioners fit to be deployed as Wireman/Powerhouse and Tech/Carshed.

10. Since the petitioner in WP (C) 6713/2018 has a knee injury and the petitioners in WP(C) 6714/2018 and WP(C) 6715/2018 are suffering from Coronary Artery Disease or have undergone Coronary Artery Bypass Graft (CABG), this Court keeping in view the order dated 17th December, 2019 passed in a similar batch of writ petitions is of the opinion that current deployment of the petitioners is not reasonable.

11. Consequently, this Court directs the respondents to take a fresh decision on whether the present petitioners can be redeployed even at a lower grade in any cadre provided the job is commensurate to the medical condition of the petitioners.

12. The decisions will be rendered not later than 21st March, 2021 and

communicated to each of the petitioners by 31st March, 2021. If the petitioners are aggrieved by fresh order, it will be open to the petitioners to seek remedies in accordance with law.

13. Accordingly, the present writ petitions along with pending applications stand disposed of with no order as to costs.

14. The interim order dated 27th June, 2018 stands vacated.

15. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

ASHA MENON, J

FEBRUARY 26, 2021
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