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WP-12644-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SURESH KUMAR KAIT,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 8th OF APRIL, 2025WRIT PETITION No. 12644 of 2024*EX NAIK LALIT NARAYAN MISHRA**Versus**UNION OF INDIA AND OTHERS*

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Appearance:

Shri Sheetal Tiwari, Advocate for the petitioner.

Shri Ishan Soni, Advocate for UOI.

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ORDER

Per. Hon'ble Shri Justice Suresh Kumar Kait, Chief Justice

This petition has been filed seeking the following reliefs:-

"(i) To issue writ of certiorari to set aside the impugned order dated 07.03.24 (Annexure-P/5) and order dated 10.06.2020 (Annexure-P/ 3), in the interest of justice.

(ii) To issue a writ in the nature of mandamus to exercise its inherent power of judicial review under Article 226 of the Constitution of India and direct the respondents to consider and grant the disability pension to the petitioner at the rate of 50% with effect from 01.02.2000 alongwith arrears and interest thereon at the rate of 24% per annum, in the interest of justice.

(iii) Any other order that Hon'ble Court deems fit and proper under the facts and circumstances of the case may also be kindly be passed."

(2) It is stated in the present petition that at the time of discharge from service the Medical Board assessed 20% disability for two years. Thereafter, the petitioner was again examined in Military Hospital, Allahabad on 13.07.2019 and as per the report, the said disability was found



to be static to earlier report. Thereafter, on 07.08.2023, in RR Hospital, Dehli at one place disability was recorded as zero and at another place it was recorded as static to earlier report. This is what that has created confusion.

(3) Accordingly, we hereby direct the Incharge of RR Hospital, Delhi to constitute a fresh Review Medical Board and examine the petitioner regarding percentage of the disability within four weeks from today. The said hospital shall fix a date and communicate to the petitioner so that he may appear before the said Board at Delhi.

(4) As agreed by the learned counsel for the parties that the fresh report of Medical Board of the RR, Hospital, Delhi will be final and binding on the parties.

(5) In view of the above, the writ petition stands disposed of.

(SURESH KUMAR KAIT)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE

MSP