

GAHC010063462025



2026:GAU-AS:4089

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1754/2025

RAMJAN ALI AHAMED

S/O- LATE HABIBAR RAHAMAN, PERMANENT R/O- BABUPARA BYE
LANE- 1, DINHATA MUNICIPALITY WARD NO. 2, DIST- KOCH BEHAR,
WEST BENGAL, PIN- 736135, PRESENTLY RESIDING AT- HOUSE NO. GS-
177553I, MSWPNR, C/O- 99 APO, EASTERN BASE WORKSHOP (GREF), B.P.
TINALI, TEZPUR, ASSAM, PIN- 784151, SUB-DISTRICT- TEZPUR, DIST.
SONITPUR, ASSAM

VERSUS

THE UNION OF INDIA AND 6 ORS
THROUGH SECRETARY, GOVT. OF INDIA, MINISTRY OF DEFENCE,
BORDER ROAD WING, 4TH FLOOR B WING, SENA BHAWAN, NEW DELHI-
110011.

2:THE DIRECTOR GENERAL OF BORDER ROAD ORGANIZATION
MINISTRY OF DEFENCE
GOVERNMENT OF INDIA
SEEMA SADAK BHAWAN
RING ROAD
DELHI CANTT
NEW DELHI.

3:THE OFFICER-IN-CHARGE (OIC)
RECORD OFFICE GENERAL RESERVE ENGINEER FORCE GREF
DIGHT CAMP
BUS STOP
MAHASKIBASTI
ST DNYANESHWAR RD
KUSMADE COLONY
KALAS
PUNE

MAHARASHTRA-411015.

4:MAJOR

RECORD OFFICE GENERAL RESERVE ENGINEER FORCE GREF
DIGHT CAMP
BUS STOP
MAHASKIBASTI
ST DNYANESHWAR RD
KUSMADE COLONY
KALAS
PUNE
MAHARASHTRA-411015.

5:SENIOR ADMINISTRATIVE OFFICER STAFF OFFICER
RECORD OFFICE GENERAL RESERVE ENGINEER FORCE GREF
DIGHT CAMP
BUS STOP
MAHASKIBASTI
ST DNYANESHWAR RD
KUSMADE COLONY
KALAS
PUNE
MAHARASHTRA-411015.

6:THE COMMANDANT
EASTERN BASE WORKSHOP (EBW)
GENERAL RESERVE ENGINEER FORCE (GREF)
TEZPUR-784151
C/O- 99 APO.

7:ASSISTANT ADMINISTRATIVE OFFICER
FOR ADDITIONAL DGBR (EAST)
GENERAL RESERVE ENGINEER FORCE GREF
JALUKBARI
NEAR LANKESHWAR TEMPLE
GUWAHATI
ASSAM-781013

Advocate for the Petitioner : MD F FARIDI,

Advocate for the Respondent : DY.S.G.I., MR. A K DUTTA (C.G.C(R- 1 TO 7))

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 20.03.2026

1. Heard Md. D Faridi, learned counsel for the petitioner and Mr. A.K. Dutta, learned counsel for respondent Nos.1 to 7.
2. The present writ petition amongst others, is filed assailing a speaking order dated 05.03.2025 (Annexure-16), issued by the respondent authorities pursuant to this court's earlier order dated 13.02.2025 passed in WP(C) No.744/2025 (Annexure-4).
3. In the aforesaid writ petition, the petitioner assailed a transfer order dated 11.09.2024 and the rejection of representation order dated 27.01.2025. By the order dated 11.09.2024, the petitioner was transferred from Tezpur to Jamu Tawi.
4. Claiming permanent Locomotor disability to the extent of 50% and under the extent transfer policy, the petitioner initially claimed for stationing him permanently near his home town, which claim he has now given up.
5. This court under its order dated 13.02.2025, disposed of the writ petition directing to consider the representation submitted by the petitioner taking into the observations made in the said order.
6. In the aforesaid order, this court observed that his categorization by the Medical Board shall also be considered. The Medical Board categorized the petitioner as GREF-III(P)3, initially effective from 25.07.2022 to 25.07.2024 and subsequently, with effect from 25.07.2024 to 25.07.2026.
7. Chapter VIII of Record of Office Instruction (ROI for short),

categorizes GREF-III as persons whose defects/disabilities are of a higher degree to those under Category – II. The functional capacities and corresponding employability restrictions is also codified.

8. In terms of sub-category (d), Physical Capacity P3 is defined as moderate disablement with limited physical capacity and stamina who can undergo exertion not involving severe strain. The employability restriction to such category is defined as fit for sentry duties in areas where hospital with appropriate specialist are available nearby. Persons under these categories are prescribed not to be fit for hilly terrain, HAA and ECC areas.

9. Hilly terrain is defined under the aforesaid chapter as areas where a person has to negotiate heights which are likely to aggravate or put to difficulty persons with cardiac respiratory, arthritis or ***such disabilities*** (emphasis supplied).

10. Under the impugned speaking order, the petitioner was treated as C2 01 P2, under which employment restriction is to the effect that such person is unfit for high altitude and extreme cold climate areas above 2047 feet to be under surveillance by nearest Medical Officer, fit only for sedentary duties due to limb dysfunction and there is no exclusive restriction specific to disease.

11. The learned counsel for the petitioner contends that under such speaking order, the petitioner is treated as C2 01 P2 EO, whereas, admittedly the Medical Board categorized the petitioner under GREF-III P3P (Permanent). Therefore, the learned counsel argues that such speaking order was passed on a wrong estimation and notion ignoring the direction issued by this court under its order dated 13.02.2025 and already the same is liable to be interfered with.

12. At this stage, Mr. A.K. Dutta, learned counsel in his usual

fairness submits that perhaps the employer has wrongly categorized the petitioner under C2 01 P2 E2 by ignoring the Medical Board determination of the petitioner having GREF III P3P. Accordingly, he submits that the matter may be remitted back to the authorities to take a fresh decision in terms of this court's earlier order dated 13.02.2025 in WP(C) No.744/2025.

13. The learned counsel for the petitioner agrees to such submission.

14. In view of the aforesaid consensus, the writ petition stands closed by interfering with the impugned speaking order dated 05.03.2025 with a direction to the respondent authorities to pass a fresh speaking order in terms of this court's earlier order dated 13.02.2025 in WP(C) No.744/2025 within period of 4 (four) weeks from today.

15. Till such determination is made, the earlier status quo order shall continue. While parting with the records, it is made clear that this court has not entered into the merit of the other contentions raised in the speaking order.

16. With the aforesaid, the writ petition stands disposed of.

JUDGE

Comparing Assistant