

GAHC010143572025



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

Case No. : WP(C)/3692/2025

G/5015234W RFN/GD ROBEN THANGA CHIRU
S/O- SRI AKUNG THANGA CHIRU, PRESENTLY SERVING AT 41ST ASSAM
RIFLES, C/O 99 APO, PIN- 932041.

VERSUS

THE UNION OF INDIA AND 3 ORS
REPRESENTED BY THE SECRETARY THE GOVT OF INDIA, MINISTRY OF
HOME AFFAIRS, NEW DELHI-110001.

2:THE DIRECTOR GENERAL ASSAM RIFLES
HEAD QUARTER MAHANIDESHALAYA
ASSAM RIFLES
SHILLONG
MEGHALAYA-11.

3:THE COMMANDANT
41St ASSAM RIFLES
C/O 99 APO
pin- 932031.

4:THE CHIEF MEDICAL OFFICER
COMPOSITE HOSPITAL
CRPF 9TH MILE
POST OFFICE -AMERIGOG
GHY
ASSA

Advocate for the Petitioner : MR V KUMAR, MR B PATHAK,MS M TIWARI,MISS A BORAH

Advocate for the Respondent : DY.S.G.I.,

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 27.06.2025

Heard Mr. B Pathak, learned counsel for the petitioner.

Also heard Mr. G Pegu, learned Central Government Counsel appearing for all the respondents.

The present petitioner is serving under the Assam Rifles and pursuant to opinion of the medical professional at the C.R.P.F Composite Hospital, 9th Mile. The petitioner was diagnosed as "Alcohol Dependent Syndrome", currently using the substance (Active Dependents). The Medical Officer advised that the petitioner be kept under strict supervision. On the basis of the medical report, the petitioner was invalidated out of service by an order dated 20.05.2025 issued by the Commandant, 41 Assam Rifles.

Mr. B Pathak, learned counsel for the petitioner submits that under the Rule 26 of Assam Rifles Rules, 2010 provides that where retirement or discharge of Subordinate Officers are on grounds of physical unfitness, the Subordinate Officer will have an opportunity to file a representation for review of the medical opinion and upon such a representation being filed, the appropriate authority will constitute a fresh medical board for that purpose and thereafter, order retirement or discharge if the decision of the fresh medical board is adverse to him.

It is submitted that the order of discharge dated 20.05.2025 was received by the petitioner on 15.06.2025 and he is to be invalidated out of service by 30.06.2025. It is submitted that the statute provides an opportunity to the petitioner to ventilate his grievance under Rule 26 of Assam Rifles Rules, 2010 which the petitioner will not be able to carry out if he is invalidated out of service,

in terms of the order dated 20.05.2025.

Mr. G Pegu, learned Central Government Counsel appearing for all the respondents submits that instructions are necessary in the matter. He, therefore, submits that the matter be listed after 2(two) weeks enabling him to obtain required instructions.

Accordingly, upon considering the submissions made by Mr. B Pathak, learned counsel for the petitioner as well as perusal of Rule 26 of Assam Rifles Rules, 2010, this Court is of the view that the petitioner should be permitted to file his representation as provided under Rule 26 of Assam Rifles Rules, 2010. It is ordered, accordingly. And until a fresh review medical board that may be constituted and his case is referred for consideration by the fresh Review Medical Board, in terms of Rule 26 of the Assam Rifles Rules, 2010, the discharge order dated 20.05.2025 shall not be given effect to, in so far as the Writ Petitioner is concerned.

List the matter **23.07.2025**.

Interim order will continue till the next date fixed.

JUDGE

Comparing Assistant