

GAHC010276742025



2026:GAU-AS:3081-DB

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

Case No. : WA/22/2026

DEBAJIT PHUKAN
S/O LEKHAN PHUKN,
R/O VILL SOLAL GAON, P.O. PANI GAON,
P.S. NORTH LAKHIMPUR, DIST. LAKHIMPUR, ASSAM.

VERSUS

1.THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT OF INDIA,
MINISTRY OF HOME,
NEW DELHI.

2:THE DIRECTOR GENERAL OF POLICE
CENTRAL RESERVE POLICE FORCE

3:THE INSPECTOR GENERAL
SOUTHERN SECTOR CRPF
ROAD NO 10C NEAR NEW MLA MP COLONY GAYATRI HILLS
JUBILEE HILLS HYDERABAD 500033 TELENGANA STATE.

4:THE DEPUTY INSPECTOR GENERAL OF POLICE
GROUP CENTRE CENTRAL RESERVE POLICE FORCE CRPF
YELAKANKA BANGALORE KARNATAKA.

5:THE DEPUTY INSPECTOR GENERAL (MEDICAL)
MEDICAL SUPERINTENDENT COMPOSITE HOSPITAL
CRPF AVADI CHENNAI 60006

For the Appellant(s) : Mr. A.R. Sikdar, Advocate.
: Mr. J.A. Sikdar, Advocate.

For the Respondent(s) : Mr. B. Deka, Central Government Counsel.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

27.02.2026

(Ashutosh Kumar, CJ)

We have heard Mr. A.R. Sikdar, learned Advocate for the appellant and Mr. B. Deka, learned Central Government Counsel for the respondents.

In this appeal, the appellant has challenged the judgment dated 10.11.2025 passed by a learned Single Judge of this Court in WP(C) No.5416/2016.

The appellant was recruited as a Constable (General Duty) in the Central Reserve Police Force (in short, CRPF) and while undergoing Basic training at the Regional Training Centre, Latur, in the year 2014, he remained absent because of sickness. Later, it transpired that he was suffering from "Lumber disc disease with nerve compression".

All efforts were made by the respondent authorities to have him treated at the hospitals run by the authorities of the Training Centre. After returning from medical leave, the appellant was found to reflect depressive behaviour. He was again referred to psychiatric ward of the Training Hospital but situation did not improve. He was diagnosed of "Major Depressive Disorder" and was put under severe medication. Later, with the evaluation of the appellant by an expert at the hospital, he was declared to be unfit for training and service as a combatant in armed

forces. He was placed in Shape-5(P) and was recommended for invalidation of his service.

Mr. A.R. Sikdar, learned Advocate for the appellant has submitted that a minor depression for the time being because of the death of the mother of the appellant was blown out of proportions and some recluse behavior shown by the appellant at some point of time during his training was taken as a psychological disorder for invalidating his service.

In support of his contention, Mr. Sikdar has pointed out that a very reputed hospital, by the name of National Institute of Mental Health & Neuro Sciences (NIMHANS), has opined that though the appellant had been suffering from grief disorder but he was fit to resume his duties.

Similar opinion has been rendered by a Board of Doctors of Gauhati Medical College and Hospital.

Mr. Sikdar has further pointed out that in similar circumstances, the Supreme Court has directed for reconsideration by the employers whether the employee has shown any improvement and, if not, some alternative arrangement be made. [Refer to ***Ravindra Kumar Dhariwal & Anr. -Vs- Union of India & Ors.*** (judgment dated 17.12.2021 passed in Civil Appeal No.6924/2021)]

The learned Single Judge, finding that such depressive behaviour is persistent and the appellant still remains under heavy medication, found that it would have been inappropriate to differ with the opinion of the authorities/employer especially when it concerns service in the paramilitary forces where an employee/constable has to

display a total alacrity of mind and physical agility.

In fact, from a perusal of the records and the manner in which the appellant was subjected to medical treatment while at training at the instance of the authorities, there does not appear to be any *mala fide* in invalidating the services of the appellant. In fact, such invalidation of service was necessary for saving his life and also to maintain the standard of paramilitary forces.

We find, despite all sympathies for the appellant, no good reason to interfere with the judgment passed by the learned Single Judge.

The appeal is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant