

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

124

CWP-17219-2023

Date of Decision: 04.09.2023

Bhaskar Bhattacharya

...Petitioner

**Versus**

Union of India and Others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Anil Mehta, Advocate and  
Ms. Sukriti Kaur, Advocate for the petitioner  
Mr. Rajiv Sharma, Advocate for the respondents  
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**JAGMOHAN BANSAL, J. (Oral)**

1. On 07.08.2023, the following order was passed:-

*“Mr. Anil Mehta, learned counsel for the petitioner inter alia contends that petitioner was selected as Senior Section Engineer on 03.07.2017. The petitioner joined as trainee under Assistant Divisional Engineer (South), East Central Railway, Muzaffarpur. Respondent No.2 vide notification dated 14.02.2023 notified selection for promotion from Group ‘C’ to Group ‘B’. The petitioner applied in the said selection. The petitioner has cleared departmental exam, however, he has not been called for the interview on the ground that he is medically unfit. He has not been communicated the reason for not calling in the interview.*

*Mr. Sandeep Bhatia, Advocate & Mr. Ankur Sharma, Advocates, who on advance notice are present in Court, seek time to get instructions.*

*Adjourned to 16.08.2023.*

*The promotion made by respondent shall be subject to outcome of this writ petition.”*

2. Reply filed on behalf of the respondents is taken on record. Registry is directed to tag the same at appropriate place.

3. As per the said reply, the petitioner was found medically unfit on account of defective colour perception with E.G.L 1.3 mm appeture as per Indian Railway Medical Manual (IRMM), 2000.

4. Mr. Anil Mehta, learned counsel for the petitioner submits that petitioner at present is working on the post of Senior Section Engineer, Permanent Way and it is also a safety category post. The petitioner cannot be appointed on the said post, if he is suffering from alleged disease, thus, he may be subjected to medical examination by PGIMER, Chandigarh. The petitioner has been declared to be suffering from aforesaid disease just to favour someone.

5. On the asking of Court, learned counsel for the respondents could not point out any prejudice which would be caused to the respondents, if the petitioner is subjected to examination by PGIMER Chandigarh.

6. The petitioner is claiming fitness and at present he is working on a post which he could not occupy, had he been suffering from the alleged disease.

7. In the peculiar facts and circumstances of the case, the Director, PGIMER, Chandigarh, is requested to get the petitioner examined from the concerned doctors for the alleged disease. The petitioner shall appear before the Director, PGIMER, Chandigarh on 11.09.2023 at 10:00 AM. The respondents are at liberty to join medical proceedings to be conducted by PGIMER, Chandigarh.

8. In view of afore-stated facts and with the consent of both sides, the present petition stands disposed of with a direction to the respondents to pass an appropriate order after getting report from PGIMER, Chandigarh.

(JAGMOHAN BANSAL)  
JUDGE

04.09.2023  
Mohit Kumar

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |