



CWP-12724-2024

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

127

CWP-12724-2024

Date of Decision: 28.05.2024

Bhaskar Bhattacharya**...Petitioner****Versus****Union of India and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Ms. Sukriti Kaur, Advocate
for Mr. Anil Mehta, Advocate for the petitioner

Ms. Divya Sharma, Senior Panel Counsel,
for Union of India-respondent Nos.1 to 3

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of Medical Report dated 11.09.2023 (Annexure P-15) prepared by a Board of Doctors of PGIMER, Chandigarh.

2. This is second round of litigation. On the earlier occasion, petitioner filed *CWP No.17219 of 2023* which was disposed of vide order dated 04.09.2023 with a request to Director, PGIMER, Chandigarh to get the petitioner examined from concerned Doctors. The Director, PGIMER, Chandigarh constituted a Board of Doctors which examined the petitioner on 11.09.2023 and submitted its report. As per said report, the petitioner was



unable to identify green colour with all sizes of apertures at distance of 5 meters.

3. The respondent, in view of report of PGIMER, Chandigarh, reconsidered claim of the petitioner and rejected the same.

4. Ms. Sukriti Kaur, Advocate submits that petitioner was initially selected as Senior Section officer on 03.07.2017. He was promoted to the post of Senior Section Engineer. The respondent vide notification dated 14.02.2023 notified selection for promotion from Group 'C' to Group 'B'. The petitioner applied for the said post. He cleared written examination, however, he was not called for interview on the ground that he was medically unfit. On one hand, he was declared unfit by respondent as well as PGIMER, Chandigarh and on the other hand, he has been assigned charge of Senior Sectional Engineer (P/Way in Overall Charge). He has been assigned duties of higher posts, however, he has not been promoted on the ground that he is medically unfit. He has sought opinion from Safdarjung Hospital, New Delhi. The opinion of said hospital confirms that petitioner is medically fit. The Ministry of Railways vide addendum dated 15.02.2008 has added para 532 (4) in Indian Railway Medical Manual, 2000 (for short '**Manual**'). As per para 532(4) of the Manual, the respondent may relax any condition including medical standards.

5. On being confronted with aforesaid para of Manual, Ms. Divya Sharma, Advocate, who on advance notice is present in Court on behalf of respondents, submits that report of Safdarjung Hospital, New Delhi, in view



of PGIMER, Chandigarh and order of this Court cannot be relied upon, however, competent authority would re-consider claim of the petitioner in terms of said paragraph, if he makes representation for said purpose.

6. Learned counsel for the petitioner agrees to the aforesaid arrangement.

7. In the wake of limited prayer of petitioner that his case may be re-considered in the light of para 532(4) of Manual and statement of learned counsel for the respondents, the present petition stands disposed of with liberty to the petitioner to make representation before respondent who would consider his claim in terms of aforesaid para. The respondent would not be influenced by report of Safdarjung Hospital, New Delhi and pass order within three months from the date of representation.

8. This order shall not be construed as an opinion of this Court on merits of the case.

(JAGMOHAN BANSAL)
JUDGE

28.05.2024
Mohit Kumar

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