

**11 05.08.
2025**

**Ct. No.
07**

Ab

WPA 5917 of 2020

**Mukesh Kumar
Vs.
Union of India and others.**

**Mr. Ujjal Ray,
Mr. Arpa Chakraborti.
... for the petitioner.**

**Mr. Kushi Prasun Chakraborti.
... for the Union of India.**

1. The present writ petition has been preferred, praying for the issuance of an appropriate order, direction, and/or writ, particularly in the nature of Mandamus, commanding the concerned respondent to issue a de-categorization certificate and to place the petitioner in an alternative post involving lighter duties.
2. Shorn of unnecessary details, the essential facts that led to the presentation of the present petition are that the petitioner was appointed to the Railway Protection Force (for short, RPF) on 20th December 2024, and after successful completion of training, he joined as a Constable on 18th November 2025 in Chittaranjan Locomotive Works (in short, CLW).
3. During the course of employment, the petitioner fell sick and was subsequently examined by the Medical Officer of the respondents, who submitted a report. The report indicates that the petitioner can perform duty while avoiding prolonged standing and walking on uneven

surfaces. Running and jumping from higher surfaces should also be avoided. Additionally, squatting and sitting cross-legged should be avoided.

4. Based on such medical opinion, the petitioner was placed on the sick list for more than six months. However, no certificate of de-categorization or change of occupation was issued in his favour. This prolonged inaction prompted the petitioner to file the present writ petition.
5. Mr. Ujjal Ray, learned Advocate appearing on behalf of the petitioner, submits that under the applicable Rules, upon retention on the sick list for the maximum period of six months, the authority has no option but to issue a de-categorization certificate or a change of occupation certificate and assign lighter duties. He further submits that the petitioner, being a Constable, was suffering from actual financial hardship and was therefore forced to resume duties as a Constable.
6. He also submits that upon completion of ten years of service, the petitioner was promoted to the post of Head Constable. However, no such certificate has been issued, and the petitioner has not been assigned any lighter duties till date.
7. Mr. Kushi Prasun Chakraborti, learned Advocate appearing on behalf of the Union of India, vehemently opposed the contentions canvassed by Mr. Ray. He submits that the petitioner submitted a fitness certificate issued by a competent doctor, certifying that the petitioner was fit to perform all duties. He further submits that the

petitioner has been promoted to the post of Head Constable and was posted in the Malda Division. He also submits that the petitioner has been discharging his duties without any blemish and that his superiors are satisfied with his performance. He contends that such subsequent performance by the petitioner indicates that no de-categorization certificate or certificate of change of occupation needs to be issued in his favour.

8. Heard the learned Advocates appearing on behalf of the respective parties and perused the materials on record.
9. To better appreciate the issue involved in the writ petition, it would be prudent to refer to the relevant provision governing the matter, as contained in Section F of the Indian Railway Manual. Paragraph 559 of the Manual stipulates that medical recommendations can be made by the Railway Medical Officer in favour of an employee, including recommendations for light duties or a change of occupation, depending upon the medical condition of the concerned employee.
10. Paragraph 561(A)(4) of the Indian Railway Medical Manual provides that if the competent authority is unable to offer the employee temporary light duties or an alternative occupation, the employee shall continue to remain on the sick list until he is either declared fit to resume duties or is formally de-categorized. It is to be noted that the period of such waiting shall not exceed six months. Clause (b) of paragraph 561 is as follows:

“(B) Certificate of de-categorisation or Chance of

occupation: 1) if after the expiry of the period of six months granted under the certificate of recommendation of light duty, the employee is considered by the Railway doctor medically unfit for the duties of his original post, but not unfit for service on the other posts, the competent Medical Officer will issue the necessary certificate in the prescribed form as given in the annexure XX to this chapter, for a suitable permanent alternate appointment either in the same medical category or in a lower category.”

11. Therefore, a comprehensive reading of Paragraph 559, Paragraph 561(A)(4), and Paragraph 561(E) of the Indian Railway Medical Manual reveals that if, after the expiry of the six-month period granted under the certificate recommending light duty, the employee is found by the Railway Doctor to be medically unfit for the duties of his original post but not unfit for service in other posts the competent Medical Officer shall issue a de-categorization certificate in the prescribed form.
12. In the present case, undoubtedly, the petitioner was retained on the sick list for more than six months, and the Medical Officer who examined the petitioner's physical condition made a recommendation for assigning lighter duties to him. Therefore, it is evident that the petitioner has developed a permanent disability that renders him incapable of performing duties that require prolonged standing, walking on uneven surfaces, running, jumping, etc.

13. As noted previously, to avoid any harsh outcome, the petitioner was constrained to rejoin and was placed in his original post. Subsequently, upon completion of ten years of service, he was promoted to the post of Head Constable. However, the latest medical opinion declared him incapable of performing work that requires standing, walking on uneven surfaces, running, or jumping from higher surfaces.
14. When a Rule is framed, it is binding upon the Railway Authority, and any administrative decision taken in defiance of or in contravention of such Rule cannot withstand the test of legality, reasonableness, and rationality.
15. A similar issue was raised in Writ Petition WPA 8620 of 2021. A Co-ordinate Bench of this Court, taking note of all relevant aspects, directed the concerned respondent to issue a de-categorization certificate in favour of the petitioner therein or, alternatively, to issue a certificate for change of occupation.
16. I have been informed that an intra-court appeal was preferred challenging the order passed in WPA 8620 of 2021. However, during the pendency of the appeal, the Railway Authority complied with the order under appeal, thereby rendering the appeal infructuous.
17. Therefore, it appears that the Railway Authority accepted the decision of the Single Bench passed in WPA 8620 of 2021, which directed the Railway Authority to issue a de-categorization certificate or a certificate for change of

occupation in favour of an employee who was retained on the sick list for more than six months. The subsequent promotion given to the petitioner was solely for completion of ten years of service, i.e., based on seniority, without any further assessment of the petitioner's physical condition.

18. Officiating in the post of Head Constable cannot override the medical opinion given by the Medical Expert, nor can it override the provisions of the Railway Manual.
19. In view thereof, the writ petition is disposed of by directing the concerned respondent to issue a de-categorization certificate or a certificate for change of occupation in favour of the petitioner.
20. The entire exercise shall be completed within a period of eight weeks from the date of communication of this order.
21. There shall, however, be no order as to costs.

(Partha Sarathi Chatterjee, J.)