



265

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

LPA-210-2020 (O&M)

Date of Decision: 18th November 2025

RAILWAY PROTECTION SPECIAL FORCE

.....Appellant(s)

V/s

ANUJ KUMAR AND ANOTHER

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA

HON'BLE MR. JUSTICE ROHIT KAPOOR

Present Ms. Puneeta Sethi, Senior Panel Counsel, UOI
Mr. Y.S. Thakur, Advocate, for the appellant.

Mr. Jitender Singh Kudu, Advocate
for respondent No.1.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal is by the Railway Protection Special Force, challenging order dated 08.11.2019, passed by the learned Single Judge, whereby the order challenged in the Writ Petition (Annexure P-7), came to be quashed and a direction has been issued to the appellant to take respondent No.1 back in service along with all consequential benefits and continuity of service. Salary for the period during which respondent No.1 remained out of service, however, has been denied on the principle of "No Work No Pay".

2. Respondent No.1 had applied for the post of Constable in the Railway Protection Special Force. He was selected subject to his medical examination, where he was declared 'Unfit'. Thereafter, respondent No.1 invoked his right to seek review of his medical fitness, whereafter a Review Medical Board was constituted. The Review Medical Board found respondent No.1 to be medically fit. Afterwards, respondent No.1 was

provisionally appointed and sent on training. During the course of training, the competent authority got respondent No.1 medically examined afresh, wherein, the Review Medical Board concurred with the first opinion of the Medical Board and held respondent No.1 to be unfit for employment. Consequentially, the provisional engagement of respondent No.1 was discontinued. Aggrieved by such decision, respondent No.1 came before this Court in CWP No.20027 of 2015

3. Learned Single Judge has allowed the Writ Petition of respondent No.1 after observing that the opinion of the Medical Board was cryptic and there was otherwise no provision for holding a fresh round of medical examination when the Review Medical Board had already opined in favour of respondent No.1.

4. We have learned counsel for the parties and carefully perused the materials on record.

5. The fact that respondent No.1 was declared medically unfit is not an issue here. The claim of respondent No.1 is based upon the decision of the Review Medical Board. It transpires that preventive check was resorted to by the Vigilance Department of the appellant and it was found that four candidates were declared fit in the Review Medical Board, contrary to their medical reports on record. The appellant's authorities proceeded to conduct enquiry and as per their decision, the review medical report was based on erroneous and extraneous consideration. Appropriate action has been taken against the doctors, who declared respondent No.1 medically fit in the Review Medical Board.

6. Our attention has been invited to Page-124 of the paper book which contains an information furnished under the Right to Information Act, 2005, as per which all the doctors were inflicted with minor penalty on account of erroneous report submitted by them.

7. From the materials placed on record, it is, therefore, apparent that there are three different medical reports on record. The first report and the third report hold respondent No.1 unfit for employment as his vision was found deficient. The second report in favour of respondent No.1 is disputed.

8. Para 512 of the Indian Railway Medical Manual-2000 specifies the criteria for adjudging the vision of the candidate concerned which reads as under:-

(1) Acuity of Vision:- *The following is the standards of visual acuity required for the post of Constable as per notification No.01/2011 dated 23.02.2011.*

(A) Standards at examination on appointment:

<i>Class</i>	<i>Distant Vision</i>	<i>Near Vision</i>
<i>A-1</i>	<i>6/6, 6/6 without glasses with fogging test (must not accept +2 D)</i>	<i>Sn.0.6, 0.6 without glasses</i>
<i>A-2</i>	<i>6/9, 6/9 without glasses (no fogging test)</i>	<i>-Do-</i>
<i>A-3</i>	<i>6/9, 6/9 with or without glasses. Power of lenses not to exceed 2D.</i>	<i>Sn.0.6, 0.6 with or without glasses</i>
<i><u>B-1</u></i>	<i><u>6/9, 6/12 with or without glasses. Power of lenses not to exceed 4D.</u></i>	<i><u>Sn.0.6, 0.6 with or without glasses when reading or close work is required.</u></i>
<i>B-2</i>	<i>Same as above</i>	<i>-Do-</i>
<i>C-1</i>	<i>6/12, 6/18 with or without glasses</i>	<i>-Do-</i>
<i>C-2</i>	<i>6/12, nil with or without glasses</i>	<i>Sn. 0.6 combined with or without glasses where reading or close work is required.</i>

Note:

a) No glasses are to be permitted at the time of initial recruitment of Railway Protection Force Staff where their medical is B-One.

(b) Candidates in C-1 and C-2 medical categories having power of glasses of more than 4 D should be examined by an eye specialist and may be declared fit if there is no evidence of any progressive eye disease.

(c) One eyed person: There is no bar to the admission into non-gazetted clerical service of a candidate who is blind in one eye. The guiding consideration in such cases should be whether the candidate's vision is adequate for the performance of the duties attached to the service or the post to which he/ she is proposed to be appointed, and whether undue risk attaches in his being accepted. The medical officer while examining such cases should take into account the cause of blindness in relation to it's possible effects on the sound eye in course of time."

9. It is otherwise specified in the applicable provisions that those candidates, who wear spectacles, are unfit for employment in B-One category.

10. Learned counsel for the appellant otherwise states that three other persons, who were declared fit in the Review Medical Board, have also been discontinued from the engagement of the appellant.

11. In the facts of the case, the solitary report in favour of the appellant is issued by a set of doctors against whom disciplinary action has been taken and they have been punished. The report given by such doctors, therefore, would not be entitled to any weight. There is otherwise no allegation of *malafide* leveled against the officials of the appellant nor is it

shown that for any malicious reason respondent No.1 is discriminated or deliberately declared medically unfit.

12. In the facts of the case, we find that the opinion of the Medical Board, holding respondent No.1 to be medically unfit, was based on the materials on record and merely on the strength of the report obtained in the Review Medical Board, which does not inspire much confidence as the appellant has already taken action against those doctors, we would not be justified in relying upon such report. Employer would be well within its right to conduct preventive checks to insulate the system against any manipulations and no exception can be taken to it. Our attention has not been invited to any provision that is shown to be violated in the process. In that view of the matter, this Appeal succeeds and is allowed. The judgment of the learned Single Bench is set aside and the Writ Petition stands dismissed accordingly.

13. All pending applications in this case, if any, are disposed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

November 18, 2025
Ess Kay

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No