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W.P. No.11679 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2026

CORAM:

THE HON'BLE MR. JUSTICE **M. DHANDAPANI**

W.P. No.11679 of 2024 and  
WMP.Nos.12772, 12773 & 12775 of 2024

T.Mathivanan

... Petitioner

Vs

1.UNION OF INDIA REP. BY CHAIRMAN,  
RAILWAY BOARD, NEW DELHI, INDIA

2.THE PRINCIPAL CHIEF SECURITY COMMISSIONER,  
RAILWAY PROTECTION FORCE, 6TH FLOOR, MOORE MARKET  
COMPLEX, PARK TOWN, CHENNAI -3

3.THE SENIOR DIVISIONAL SECURITY COMMISSIONER,  
RAILWAY PROTECTION FORCE, 5TH FLOOR, NGO ANNEX,  
PARK TOWN, CHENNAI -3

4.THE PRINCIPAL CHIEF MEDICAL DIRECTOR,  
MEDICAL DEPARTMENT, SOUTHERN RAILWAY, MOORE MARKET  
COMPLEX, PARK TOWN, CHENNAI -3

5.THE MEDICAL DIRECTOR,  
RAILWAY HOSPITAL/ PERAMBUR, AYANAVARAM, CHENNAI -23

6.THE POST COMMANDER,  
RPF / ST. THOMAS MOUNT, CHENNAI -16

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India  
praying to issue Writ of Certiorarified Mandamus, to call for the records of the  
3rd respondent in connection with the impugned order passed by him in Ref.



W.P. No.11679 of 2024

No. M / XP.11 / SNP / 2024 dt 16.4.2024 and the consequential order passed by the 6th respondent in No. STM / E-1 / Med Exam / 2024 dated 22/04/2024, quash the same and direct the respondents to provide him alternative employment on medical grounds in BEE ONE and below medical categories with glasses in jobs not involving lifting heavy weights, as per IRMM 2000 Vol I Annexure III (Para 509, 512) 12.16 and jobs mentioned in Para 574 as per Certificate No. ABCE / 61-2023-24 / 101 dated 20.11.2023 as per the medical report issued by the Medical Board in No. M / MD. 141 / 1 / G dt. 20.11.2023, in commensurate with Sec.20 of the Rights of persons with Disabilities Act, 2016, within a reasonable time.

For petitioner : Mr.K.Venkatramani,  
Senior Counsel  
for Mr.M.Muthappan

For respondents : Mr.S.Diwakar

### **ORDER**

This Writ Petition has been filed praying to quash the order dated 16.04.2024 of the third respondent and the order dated 22.04.2024 of the sixth respondent and consequently to direct the respondents to provide the petitioner alternative employment on medical grounds in BEE ONE and below medical categories with glasses in jobs not involving lifting heavy weights, as per IRMM 2000 Vol I Annexure III (Para 509, 512) 12.16 and jobs mentioned in Para 574 as per Certificate No. ABCE / 61-2023-24 / 101 dated 20.11.2023 as per the medical report issued by the Medical Board in No. M / MD. 141 / 1 / G dt. 20.11.2023, in commensurate with Sec.20 of the Rights of persons with



W.P. No.11679 of 2024

Disabilities Act, 2016, within a reasonable time.

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2. The learned Senior Counsel appearing for the petitioner would submit that the petitioner was selected and appointed as Constable in the Railway Protection Force and the petitioner reported for training in RPF Training Centre at Trichy in the year 1996. Thereafter, he acquired promotion as Head Constable in the year 2007 and thereafter ASI. When the petitioner participated in the promotional test, he was promoted as Assistant Sub Inspector of Police in the year 2021. While being so, the petitioner was diagnosed with left shoulder pain which aggravated and the petitioner was advised to undergo treatment due to ill health. Thereafter, the petitioner was under sick leave for more than one year and followed by that, he was diagnosed with mixed anxiety. He was under medication and he was advised to be given a job not involving handling of arms and ammunition in view of his risk relapse of symptoms suicidal thoughts in future and as per the direction issued by the respondents concerned, the petitioner appeared before the Divisional Medical Committee for alternative employment. The Divisional Medical Committee opined that the petitioner suffered with diabetes mellitus, systemic hypertension, mild CAD, bilateral second degree stage II Periarthritis shoulder joint and also medical anxiety and depressive Episode and suicidal thoughts thereby the petitioner was



W.P. No.11679 of 2024

given lighted duty by creating supernumerary post and after lapse of one year, again the third and sixth respondents issued order directing the petitioner to appear before the Divisional Medical Committee for further opinion. Challenging the same, the present writ petition has been filed.

3. The learned Senior Counsel appearing for the petitioner would further submit that earlier the Divisional Medical Committee diagnosed the petitioner and suggested for lighted duty in view of the health problems faced by the petitioner as stated above. Subsequently, the third and sixth respondents have no jurisdiction and are not experts to suggest to appear before Divisional Medical Committee after lapse of one year and the same is unsustainable. Still the petitioner is under medical treatment and forcing the petitioner to accept the ASI post is not sustainable one as it will create danger to the general public when he is facing suicidal thoughts and depression. Accordingly, he prayed for appropriate orders.

4. Per contra, the learned counsel appearing for the respondents submitted that the petitioner while working as Assistant Sub Inspector/SR9601468/Railway Protection Force/Saint Thomas Mount Post/Chennai Division/Southern Railway, was placed under sick list w.e.f



W.P. No.11679 of 2024

15.09.2022. Subsequently, he was examined by Divisional Medical Committee with co-opted members Ortho & Psychiatry held at RH/PER on 17.11.2023. He has been diagnosed as a patient with Diabetes Mellitus, Systemic hypertension, Minimal CAD, Bilateral Second Degree Stage II Periarthritis Shoulder Joint, Secondary Depression with suicidal thoughts and adjustmental problems and he has been declared as Unfit in present job in Railway Protection Force in BEE ONE medical category in Indian Railways but fit for alternate employment on medical grounds in BEE ONE and below medical categories with glasses in jobs not involving lifting heavy weights as per Indian Railway Medical Manual 2000 Vol I Annexure III (Para 509, 512) 12.16 and jobs mentioned in Para 574, Certificate number. ABCE/61/2023-24/101 dated 20.11.2023, vide Chief Medical Superintendent/Chennai Division/Southern Railway letter number M/MD.141/I/G dated 20.11.2023. Subsequently, vide 3rd respondent letter number M/XP.11/SNP/2023 dated 22.11.2023, a letter has been addressed to 2nd respondent seeking approval for creating Supernumerary Post in his favour until his absorption in suitable alternative post. The petitioner is subjected to medical examination twice a year and in his total service of 28 years, he was not having previous history of above problems. Hence his case was again referred to medical authorities for review of decision. Further, respondent vide letter number HQ/MD/I/141/SMB/TM dated 02.04.2024 had addressed the 2nd respondent to direct the petitioner on 06.04.2024 for investigation with GM-3



W.P. No.11679 of 2024

for and for re-medical examination by the Standing Medical Board at Railway Hospital/Perambur on 08.04.2024. Further 2nd respondent vide 'Confidential' letter number X/NP.135/MD/2024 dt.03.04.2024 communicated the same by enclosing 5th respondent letter cited, to 3rd respondent for further action. Hence, 3rd respondent vide 'Confidential' letter number M/XP.11/SNP/2024 dated 16.04.2024, has addressed to 6th respondent to direct petitioner to attend re-medical examination.

5. The learned counsel appearing for the respondents further submitted that in compliance to the orders of the 3rd respondent, the 6th respondent has issued letter number STM/E-1/Med Exam/2024 dated 22.04.2024 for directing him for re-medical examination. Subsequently, 6th respondent vide letter number STM/E-5/2024 dated 22.04.2024, has forwarded representation of petitioner dated 'Nil' stating that he has submitted consent letter to Chief Medical Superintendent/Egmore/Chennai Division that “I do not propose to appeal against the decision of the Chief Medical Superintendent/Egmore/Chennai Division” on 20.11.2022. Hence, he requested to accept the said explanation and submitted unwillingness to attend IInd medical (re-medical) examination. Further, again the 5th respondent vide letter number HQ/MD/I/141/SMB/TM dated 26.04.2024 has advised 3rd respondent



W.P. No.11679 of 2024

to direct the petitioner to 5th respondent on 30.4.2024 for investigation and for re-medical examination by the Standing Medical Board at Railway Hospital/Perambur on 02.05.2024 as the petitioner did not attend remedical examination on 08.04.2024. Hence, 3rd respondent vide letter number M/XP.11/SNP/2024 dated 30.04.2024 has advised to 6th respondent to direct petitioner to attend re-medical examination. However, 6th respondent vide letter number STM/ASIPF-TM/2024 dt. 01.05.2024, has stated that petitioner was intimated to attend re-medical on 02.05.2024. However, petitioner refused to attend the re-medical examination and stated that he is availing closed holiday permission on 01.05.2024. Further, 6th respondent stated that he has not granted closed holiday permission to the petitioner and marked him absent for duty. Though the petitioner joined duty on 02.05.2024, he has not attended for re-medical examination at Railway Hospital/Perambur on 02.05.2024. Further, petitioner has again submitted letter dated 02.05.2024, stating that he has filed Writ Petition before this Court and the same has been admitted in the court vide WP.No.11679/2024. In view of the court case, he was unable to attend re-medical on 02.05.2024. Further it is submitted that there is no discrimination on the part of the respondents with regard to Section 20 of the Rights of Persons with Disabilities Act, 2016 as contended by the petitioner. The decision to direct the petitioner for re-medical examination was taken in accordance with the provision of IRMM, Chapter V, 522 para 2 sub para (ii). Final decision will be



W.P. No.11679 of 2024

taken only after re-medical examination by the Medical board. Further, as per service record of the petitioner, the educational qualification of the petitioner is H.S.C (Passed). He was enlisted as Constable, Railway Protection Force on 02.01.1996. After completion of initial and practical training, he was appointed as Constable on 02.10.1996 and posted to Salt Cotaurs Outpost under the control of Chennai Central Post on 02.10.1996. His posting details are furnished as under:

| S. No. | Place of Posting                        | From       | To         | Designation                                                                                       |
|--------|-----------------------------------------|------------|------------|---------------------------------------------------------------------------------------------------|
| 1      | Salt Cotaurs and Chennai Division       | 02.10.1996 | 08.05.2002 | As Constable                                                                                      |
| 2      | Chennai Egmore and Chennai Division     | 09.05.2002 | 13.12.2006 | Constable (On periodical transfer)                                                                |
| 3      | Royapuram and Chennai Division          | 14.12.2006 | 27.04.2012 | On promotion to the rank of Head Constable                                                        |
| 4      | Tambaram and Chennai Division           | 28.04.2012 | 18.11.2013 | Head Constable (On periodical transfer)                                                           |
| 5      | Villupuram Junction and Trichy Division | 10.02.2014 | 31.03.2015 | Head Constable (Transferred to Trichy Division on administrative grounds)                         |
| 6      | Tiruvannamalai and Trichy Division      | 01.04.2015 | 27.06.2018 | Head Constable (Transferred on own request)                                                       |
| 7      | Saint Thomas Mount and Chennai Division | 16.07.2018 | Till Date  | Head Constable and subsequently promoted to the rank of Assistant Sub Inspector on 05.05.2021 and |



W.P. No.11679 of 2024

|   |                                  |             |                         |
|---|----------------------------------|-------------|-------------------------|
|   |                                  |             | retained                |
| 8 | Jolarpettai and Chennai Division | Yet to Join | On completion of tenure |

6. The learned counsel appearing for the respondents would further submit that the contention of the petitioner that he had rendered meritorious service through his career is not correct. During the year 2005, he was awarded with one minor punishment i.e. with holding of his annual increment for one year with non cumulative effect, for having failed to prevent the damage of pre-cooling Cable by the criminals but was also not aware of the entire incident which had taken place in his beat (duty point) during his duty hours and also failed to inform to his superiors.

7. Heard, the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

8. The facts of the case are not in dispute. Admittedly, the petitioner is in uniformed service. When he reached the promotion to the post of ASI, he made representation for lighted duty due to ill health. The petitioner was diagnosed and he was given lighted duty by creating supernumerary post. Admittedly, earlier the medical board advised on 20.11.2023 and on the basis of



W.P. No.11679 of 2024

that diagnosis, and he was given lighted duty by creating supernumerary post.

Thereafter by the impugned order, the petitioner was directed to appear before the Divisional Medical Committee. After 2 ½ years from the date of passing the order, the continuation of the very same illness will not be accepted and it is for the exports to opine whether the petitioner is continuously deserving for alternative employment by providing lighted duty. Hence, the impugned order cannot be intervened. However, to strike the balance between the petitioner and the respondents, the petitioner is directed to appear before the Divisional Medical Committee within a period of two weeks from the date of receipt of this order and the Divisional Medical Committee shall examine the petitioner and forward the opinion to the third and sixth respondents for providing alternative employment if the petitioner is continuously with ill health to perform as ASI.

9. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

28.01.2026  
(1/2)

Index :Yes/No  
Speaking/Non-speaking order  
Neutral Citation : Yes/No  
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W.P. No.11679 of 2024

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WEB COPY

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W.P. No.11679 of 2024

**M. DHANDAPANI, J.**

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W.P. No.11679 of 2024

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