



2025:DHC:11434-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11394/2023 & CM APPL. 44337/2023

BADAN SINGH MEENAPetitioner

Through: Mr. Tarun Sharma, Mr. Abid Ali, Mr. Manek Sharma, Mr. Kartik Sharma, Adv.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr Jivesh Kumar Tiwari, CGSC with Ms Samiksha, Adv.

+ W.P.(C) 11375/2023 & CM APPL. 44262/2023

PRAVEEN KUMAR MEENAPetitioner

Through: Mr. Tarun Sharma, Mr. Abid Ali, Mr. Manek Sharma, Mr. Kartik Sharma, Adv.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. P S Singh, CGSC, Ms Minakshi Singh, Mr Ashutosh Bharti and Mr Rajneesh Kumar Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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15.12.2025

C. HARI SHANKAR, J.

W.P.(C) 11394/2023



1. The petitioner was enrolled as Constable in the Railway Protection Force¹ on 27 March 2011. As he was found to be suffering from seizures, a Medical Board was constituted on 2 June 2023 to examine his physical condition.

2. The Medical Board opined that the petitioner was a case of generalised tonic clonic seizures of idiopathic origin and was unfit to be retained in the medical category Bee-One in which he had originally been employed. He was, therefore, de-categorised to the Bee-Two medical category. Apropos epileptics, per para 12.9 of the Detailed Guidelines Explaining Procedures Of Medical Examination & Specific Diseases Affecting Fitness Of Staff² stipulates thus:

“12.9: Epilepsy: Epileptics should not be employed in or near running lines or moving machinery and never on train running and passing duties.”

3. Thus, having been categorised as an epileptic, the petitioner could not have been employed in or near running lines or moving machinery. Despite this, the petitioner was deployed, *vide* Office Order dated 18 August 2023, as Wireman-III Level 2, by an “Alternate Employment on Medical Grounds Suitability Committee”.

4. Aggrieved by the aforesaid posting, the petitioner has approached this Court by means of the present writ petition.

¹ “RPF” hereinafter

² “the Medical Guidelines” hereinafter



5. The petitioner's case is that, as an epileptic, he could not be posted as Wireman-III in view of the mandate of Clause 12.9 of the Medical Guidelines.

6. We have heard Mr. Tarun Sharma, learned Counsel for the petitioner and Mr. Jivesh Kumar Tiwari, learned CGSC for the respondent Union of India.

7. Mr. Sharma has placed reliance, apart from Clause 12.9 of the of Medical Guidelines, on paras 1302 and 1303 of the Indian Railways Establishment Manual³, which read thus:

1302. Classification of Railway Servants declared medically unfit- Railway servants acquiring disability during service and declared medically unfit are divisible into two groups: —

i. Those completely disabled for further service in any post in the Railway, i.e. those who cannot be declared fit even in the 'C' medical category;

and

ii. Those disabled/incapacitated for further service in the post they are holding but declared fit in a lower medical category and eligible for retention in service in posts corresponding to this lower medical category.

1303. The railway servants both in group (i) and group (ii) of Para 1302 cease to perform the duties of the posts they are holding from the date they are declared medically unfit for the present post. No officer has the authority to permit the Railway Servant concerned to perform the duties in the post beyond that date. *If such a Railway Servant cannot be immediately adjusted against or absorbed in any suitable alternative post he may be kept on a special supernumerary post in the grade in which the employee concerned was working on regular basis before being declared medically unfit pending location of suitable alternative employment for him with the same pay scale and service benefits, efforts to locate suitable alternative employment starting immediately. The*

³ "IREM" hereinafter



special supernumerary post so created will stand abolished as soon as the alternative employment is located.

8. The provisions of paras 1302 and 1303 of the IREM are clear and categorical. They provide that, in case an officer, owing to medical de-categorisation, is not suitable for being posted at an alternative post, he has to be placed on a special supernumerary post in the grade in which he was working on regular basis before being declared medically unfit, with the same pay-scale and service benefits. As soon as alternative employment for the employee is finalized, the special supernumerary post would stand abolished.

9. Mr. Sharma has also drawn our attention to Master Circular No. 25 issued by the Railway Board, dealing with “absorption of medically de-categorised non-gazetted staff in alternative jobs”. The relevant paragraphs from the said circular may be reproduced thus:

“Instructions on the subject of “Absorption of medically decategorised” non-Gazetted staff on the Indian Railways are contained in the Indian Railway Establishment Code, Indian Railway Establishment Manual and in the various circulars issued by the Railway Board from time to time. Issue of consolidated instructions has been engaging the attention of this Ministry for some time past. They have now decided to issue consolidated instructions on the subject of "Absorption of medically decategorised non- Gazetted staff in the form of a Master Circular as below for the information and guidance of all concerned.

3. Causes of medical decategorisation:- Causes, which lead to medical decategorisation, may be divided into following groups: -

- i. Decategorisation arising out of natural causes such as ageing process, deterioration of visual acuity including colour perception in the ordinary course;



ii. Decategorisation arising out of injuries received owing to negligence of an employee himself or decategorisation arising out of lack of personal hygiene, want of ordinary care in regard to health by the employee or arising out of his/ her various habits such as addiction to drinks, drugs, smoke etc., and arising out of failure to take ordinary and proper precautions in performance of duties by the employee;

iii. Decategorisation arising out of accidents arising out of and in the course of employment;

iv. Decategorisation arising out of contraction of an occupational disease, disease peculiar to the service in which duties are performed. This will comprise of cases of those persons who will be covered by the occupational disease specified in Paras - A, B or C of Schedule-III to the Workmen's Compensation Act, 1923. Cases in which Railway employees contract dermatitis in the course of their handling diesel and other mineral oil also would be treated as occupational disease for the purpose of these orders;

v. Decategorisation arising out of accidental injuries received owing to wilful act or negligence of a co-employee; and

vi. Decategorisation directly arising out of breach of any provision of law or statutory rules by the Railway Administration.

11. Miscellaneous:

11.1. *Medically decategorised staff of RPF department may be first considered for absorption in the Ministerial posts in that department itself for which they may be medically fit. In case no suitable posts are available in that department, they may be considered for absorption in alternative posts in other departments of the Railway within the framework of the provisions of Chapter-XIII of IREM 1989.*

10. He has also referred to letter dated 12 June 2015 issued by the Railway Board which reads as under:



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“GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No E(NG)I-2015/RE-3/2

New Delhi, dated 12.06.2015

The General Managers (P)
All Zonal Railways & Production Units
(As per standard list).

Sub:- Absorption of medically unfit staff of RPF/RPSF in alternative post- Regarding.

A question as to how the medically incapacitated staff of Railway Protection Force/Railway Protection Special Force may be absorbed in alternative jobs in other departments of the Zonal Railways has been under consideration of Railway Board.

2. Attention in this connection is invited to Board's letter No. E(NG)I-88/RE-3/2 dated 18.01.1959 which provide that medically unfit RPF/RPSF staff. may be first considered for absorption in ministerial post in their own department. The Committee constituted for considering such alternative appointments shall include an officer of the Personnel Department. In case no suitable posts to so accommodate them in RPF department are available, they may be considered for absorption in alternative posts in other departments of the railways within the framework of the provisions contained in Chapter XIII of the Indian Railway Establishment Manual Vol. I, Revised Edition 1989, First Re-Print Edition-2009. Similarly, when staff of other departments are medically de-categorised, they will also be considered for absorption against suitable posts in their own department at the outset and in case no posts are available therein then such staff will be considered against Ministerial posts in the RPF department, if such posts are available in that Department.

3. The matter has been considered by the Board. It is reiterated that the above ' instructions/procedure may be followed scrupulously in order to maintain the uniformity on all the Zonal Railways.

(This dispose of South Western Railway's letter No.SWR/P.573/Med. Decatg/Vol.1 dated 22.05.2014).

Receipt of this letter may be acknowledged.

(M.K.Meena)
Deputy Director Estt. (N)
Railway Board”



11. Thus, it is clear that the respondents have scrupulously to abide by Chapter XIII of the IREM. In case the medically de-categorised employee cannot be provided an alternative employment, he has to be placed in a suitable supernumerary post till alternate employment is made available.

12. Notably, in the written submissions of the respondent, it is averred in paras 9 to 11, thus:

“9. That the decision for allotment of alternative post to any medically de-categorized is taken by the committee depending upon the medical fitness, qualification and availability of vacancy. Although efforts are made to absorb medically decategorized staff in RPF department, but it is subject to availability of vacancies in the posts having required medical classifications. *Staff may be provided alternative post in another department on lack of availability of vacancies in RPF department.*

10. It is further submitted that the concerned staff was re-deployed in Wireman-III, level-02, with pay protection. Medical classification of Wireman-III is B-2 as per Annexure IV (Category B-2, (7) (12)), of the IRMM 2000 Rules for which the petitioner was recommended.

11. That it is further submitted that though as per para 12.9 medically debarred employee (epileptics) not to be deputed near running lines or moving machinery. However, it is pertinent to mention here that at the time of screening of medically decategorized employees, the committee also comprises of well qualified Doctors. Further, the petitioner is availing 03 set of Privilege Railway Pass & 04 set of concessional passes (PTO) in a calendar, hence petitioner is using Railway as mean of transport for which he is supposed to come near the moving trains despite being epileptic. Therefore, Petitioner’s reason for not joining his allotted duty for the reason of being near moving trains or heavy machinery cannot be ruled out. ”

(Emphasis supplied)



13. Mr. Tiwari also draws our attention to para 10 of the counter affidavit filed by the respondent, which read as under:

“10. That the contents of the Para No 10 of the present Writ Petition are wrong and hence denied and the reply has been given in the preceding paras and hence not repeated for the sake of brevity. It is further submitted that the concerned staff was re-deployed in Wireman-III, level-02, with pay protection. Medical classification of Wireman-III is B-2 and below for which the concerned staff is fit.”

14. Further, during the course of hearing, today, Mr. Tiwari has handed over, across the Bar, a communication dated 12 December 2025, addressed by the DEE/G/DLI to the Senior DSC (Coord.), RPF, Annexure A to which deals with “duties of Wireman-III” and reads as under:

“Annexure 'A'

Although the Railway Board has not issued any specific duty list for Wireman-III (Skilled-III) in the General Services (Electrical) wing, the following responsibilities are generally assigned in field units to ensure smooth maintenance operations:

Assistance in Electrical Maintenance

Wireman-III assists senior staff in routine repair and maintenance of electrical installations such as lighting circuits, fans, pumps, and general power supply equipment.

Lighting Maintenance at Stations/Buildings

Replacement of fused lamps, tightening of connections, and attending minor defects in lighting and fan circuits under the guidance of JE/SSE.

House Wiring and Minor Repair Work

Supporting senior technicians in carrying out basic wiring jobs, fixing switches, sockets, holders, MCBs, and small-capacity cable terminations.

Maintenance of Railway Quarters



Attending minor domestic electrical complaints, including replacement of bulbs, switches, and checking of local wiring faults as instructed.

Assisting in Breakdown and Emergency Work

Helping senior staff during power failures, tripping cases, and emergency restoration activities.

Inspection Assistance

Accompanying JE/SSE during inspections of stations, service buildings, and railway colonies for electrical defects and recording observations.

Upkeep of Tools and Materials

Maintaining tools issued, assisting in material handling from depot/stores, and ensuring proper housekeeping at the worksite.

Safety Compliance

Following all safety rules, using PPE, and reporting unsafe conditions to supervisors.

Documentation Support

Assisting in maintaining complaint registers, defect registers, and job completion records.

Any Other Duty Assigned by JE/SSE

Carrying out additional tasks related to electrical maintenance as per operational requirements.

Sd/-
Eletc. Engineer
Railway, New Delhi”

15. Mr. Tiwari’s contention is that, in terms of Annexure-A to the aforementioned communication dated 12 June 2015, the petitioner is only required to assist the Wireman in carrying his tools and boxes etc., and is not required to actually deal with any electric lines or machinery.



16. The submission misses the point.
17. The submission advanced by Mr. Tiwari, as well as the contents of the letter dated 12 December 2025 *supra*, are at a tangent to Clause 12.9 of the Medical Guidelines, which specifically mandates that persons who are epileptics cannot be employed “in or near running lines or moving machinery”. It is the place of posing, therefore, which is of significance, and not the nature of work. It is not foreseeable as to when an epileptic may suffer an epileptic attack and if, at that time, he is in the vicinity of running lines or moving machinery, it may even result in loss of life.
18. Given the beneficial purpose of Claus 12.9 of the Medical Guidelines, it has to be strictly construed and scrupulously followed.
19. The written submission of the respondent, in paras 9 to 11 reproduced *supra*, as much as acknowledges this factual and legal position. In fact, a reading of para 11 reveals that, while the respondents have not really disputed the merits of the petitioner’s case, the contention of the respondent is that, at the time of screening, the case of the petitioner was considered by a committee comprising of well qualified doctors.
20. That can hardly, to our mind, be an answer to the requirement of scrupulous compliance with the mandate of para 12.9 of the medical guidelines extracted *supra*. Medical science cannot revive a man who is electrocuted.



21. The letter dated 12 December 2025, and Annexure-A thereto, which have been handed over by Mr. Tiwari across the Bar, in fact support the case of the petitioner. The nature of duties set out in Annexure-A clearly involve proximity to running lines and machinery. The petitioner has been posted as Wireman-III.

22. Clearly, therefore, the nature of the duties of the petitioner would require the petitioner to be in proximity of running lines and moving machinery. Even if it were to be assumed, for the purpose of argument, that the petitioner is only assisting another Wireman in carrying his tools and boxes, such assistance cannot be rendered by remaining at a distance. If the Wireman who is being assisted is close to running line or machinery, it stands to reason that the assisting employee would also be in proximity with running lines or machinery.

23. Clearly, therefore, the respondent could not have posted the petitioner as Wireman-III, given the fact that he had been classified as an epileptic.

24. The impugned order dated 18 August 2023 is, therefore, quashed and set aside.

25. The respondents are directed to scrupulously follow the mandate of Clause 12.9 of the Medical Guidelines, as well as paras 1302 and 1303 of the IREM and the provisions of para 11.1 of Master Circular No. 25 of the Railway Board and the letter dated 12 June 2015 issued by the Railway Board.



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26. To clarify, we may observe that, in case no suitable job is available for the petitioner within the scope of aforementioned provisions, the petitioner would be placed in a specially created supernumerary post as envisaged by para 1303 of the IREM, in the same scale of pay, till an alternative post suitable to the petitioner is available.

27. The writ petition stands allowed in the aforesaid terms, with no order as to costs.

W.P.(C) 11375/2023 & CM APPL. 44262/2023 (stay)

28. The facts of this case are identical to those of WP (C) 11394/2023 except that the petitioner in this case joined the RPF on 15 June 2010 and is presently posted at Sarai Rohilla Station.

29. Accordingly, this writ petition also stands allowed in terms of the judgment passed in WP (C) 11394/2023.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

DECEMBER 15, 2025

dsm