

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 1270-1271/2022

DALBIR ETC.

APPELLANT(s)

VERSUS

UNION OF INDIA & ORS. ETC.

RESPONDENT(s)

O R D E R

IA NO. 88109/2020- for impleadment is dismissed.

The application for permission to file additional documents filed on 07.05.022 be numbered and stands allowed.

The additional documents filed by the Railway Department shows that the Railway Board constituted a technical Committee consisting of three Ophthalmologists which has submitted a report on 20.04.2022. In this behalf, learned ASG has invited our attention to the said report to submit that in the facts of the case we are concerned with B1. Now the opinion is that Lasik surgery is recommended to be permitted subject to the conditions stipulated therein.

On our query, the learned ASG submits that given the report now necessary steps will be taken for amendment of the norms and all future advertisements to incorporate the effect of the report within a period of two months from today. That brings us to the issue as to what has to be done insofar as the facts of the present

case are concerned. We had already opined that insofar as that the appellants are concerned, they were concerned with the particular aspect of Railway employment which did not require the fine technical work or the operation of heavy machinery. It is in that context that the Committee was appointed. The report would logically have prospective effect in general but the question is whether for these given appellants alone, considering that they have been following up their litigation, it can be so applied. We believe it should be so. We had already taken care of the apprehension of flood gates of litigation by opining that if people have not agitated their rights, we will not open the window for them considering what has happened and going to have prospective effect. We are persuaded to do so also because the advertisement issued in the year 2011 took almost three years to process and the existing norms were brought into place only in the year 2013. We had emphasized the aspect of employment.

Learned ASG submits that since considerable passage of time has occurred, what is the effect of the surgery which may have been done is not known at present. There is some merit in this contention. We thus, consider appropriate that the appellants would be examined by the same Board as constituted for purposes of laying down the norms to determine the suitability

of the concerned appellants for the job. The process to be completed within a period of two months from today.

The appeals stand allowed to the limited extent aforesaid.

The benefit of this order will be available only to the five appellants on whose behalf notice was issued.

.....J.  
[SANJAY KISHAN KAUL]

.....J.  
[M.M. SUNDRESH]

NEW DELHI,  
MAY 10, 2022.

ITEM NO.1

COURT NO.6

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 1270-1271/2022

DALBIR ETC.

Appellant(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

([FOR DIRECTIONS] )

IA. NO. 88108/2020-IMPLEMANT

IA NO. 48795/2022- EXEMPTION FROM FILING O.T.

IA NO. D.NO. 10946/2022-PERMISSION TO FILE ADDL. DOCUMENTS

IA NO. D.NO. 71030/2022-PERMISSION TO FILE ADDL. DOCUMENTS

IA NO. D.NO..../2022-PERMISSION TO FILE ADDL. DOCUMENTS

Date : 10-05-2022 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s)

Mr. Raj Kumar, Adv.  
Ms. Sangita Chauhan, Adv.  
Mr. Abhishek Sonkar, Adv.  
Mr. Raju Sonkar, Adv.  
Ms. Sakshi G. Sonkar, Adv.  
Mr. Karunakar Mahalik, AOR

For Respondent(s)

Ms. Madhavi Divan, Ld. ASG  
Mr. Piyush Beriwal, Adv.  
Ms. Vaishali Verma, Adv.  
Ms. Preeti Rani, Adv.  
Mr. Ayush Puri, Adv.  
Ms. Vanshaja Shukla, Adv.  
Mr. Amrish Kumar, AOR

Mr. Brajesh Pandey, Adv.  
Mr. Raju Sonkar, Adv.  
Mr. Arnav Kr. Raizada, Adv.  
Mr. Sunil Prakash Sharma, AOR

UPON hearing the counsel the Court made the following  
O R D E R

IA NO. 88109/2020- application for  
impleadment is dismissed.

The application for permission to file

additional documents filed on 07.05.022 be numbered and stands allowed.

The appeals stand allowed to the limited extent indicated in the signed order.

The benefit of this order will be available only to the five appellants on whose behalf notice was issued.

Pending applications stand disposed of.

[CHARANJEET KAUR]  
ASTT. REGISTRAR-cum-PS

[POONAM VAID]  
COURT MASTER (NSH)

[ Signed order is placed on the file ]