

**IN THE SUPREME COURT OF INDIA
EXTRA-ORDINARY APPELLATE JURISDICTION**

**CIVIL APPEAL NO. _____ OF 2025
(@ SPECIAL LEAVE PETITION (C) NO. 29215 OF 2025)**

ANURAG SHARMA

...APPELLANT(S)

VERSUS

**GENERAL MANAGER, NORTH CENTRAL
RAILWAYS, PRAYAGRAJ, U.P. & ORS.**

...RESPONDENT(S)

O R D E R

Leave granted. Heard learned counsel for the parties.

2. The appellant was appointed as an Assistant Loco Pilot in the Indian Railways on 22.11.2013 and was subsequently transferred to the North Central Railway, Jhansi Division. On 13.04.2023, while discharging his official duties, the appellant met with an accident while descending the stairs of a railway bridge, resulting in fracture injuries to his right knee. He was initially admitted to the Railway Hospital, Jhansi, and thereafter referred to Sarvodhya Hospital, Faridabad, where he underwent ligament surgery on 20.06.2023. Subsequently, on 31.12.2023, he was admitted for further treatment at the Central Hospital, NCR Prayagraj.

3. Upon examination, the Senior Divisional Medical Officer (Orthopaedics) advised that: (i) a Medical Board be constituted to assess the appellant's medical fitness; *and* (ii) the appellant be considered for Alternate Employment on Medical Grounds (AEMG) and, in the interim, be assigned light duties. Despite the aforesaid medical advice, no Medical Board was constituted. Instead, the appellant was issued a fitness certificate dated 27.04.2024 by respondent No. 3, declaring him fit for duty without compliance with the recommendation for Medical Board evaluation.

4. Thereafter, the appellant was again admitted to the same hospital on 25.07.2024 due to persistent knee pain. A sick certificate dated 29.07.2024 was issued, clearly indicating the continuation of his medical condition and effectively negating the earlier fitness certificate. Notwithstanding this, the Railway Authorities neither constituted a Medical Board nor considered assigning light duties. Compounding the appellant's hardship, his salary was reduced to half pay from January 2024 to June 2024 and was completely stopped from July 2024 onwards while he was still undergoing medical treatment, thereby causing serious financial distress.

5. Aggrieved by the lack of any sympathetic consideration, the appellant approached the Central Administrative Tribunal, Allahabad by filing O.A. No. 1188 of 2024. The Tribunal disposed of the application with directions to constitute a Medical Board to examine the appellant's fitness and, if found unfit, to consider him for alternate employment in accordance with applicable rules. Dissatisfied with the said directions, the appellant filed a writ petition, being Writ-A No. 4652 of 2025 before the Allahabad High Court. The High Court disposed of the writ petition by directing that the appellant be examined by a Medical Board of the Howrah Orthopaedic Hospital.

6. It has been submitted on behalf of the appellant before us that since he had already been treated at a railway hospital, he may now be examined by a Medical Board constituted preferably at the All India Institute of Medical Sciences (AIIMS), Lucknow. It was further submitted that Howrah Orthopaedic Hospital is located at a considerable distance, whereas AIIMS, Lucknow, is nearer to his present location and would be more convenient.

7. Learned counsel has also raised the issue of reduction and withholding of salary, which was neither addressed by the Tribunal nor by the High Court.

8. Learned counsel appearing for the respondents, on the other hand, submitted that the Howrah Orthopaedic Hospital possesses adequate infrastructure and expertise to undertake such medical examination through duly constituted Medical Boards and the appellant can be examined there.

However, as regards, reduction and withholding of salary, there is no satisfactory explanation by the respondents.

9. Having heard the learned counsel for the parties, this Court is of the considered opinion that the appellant may be examined by a Medical Board constituted at AIIMS, Lucknow, which is closer to his present location as it would be more convenient. AIIMS, Lucknow, being a premier institution with multidisciplinary expertise, would have the requisite facilities readily available. It is however, clarified that this shall not be construed as casting any aspersion on the expertise or facilities available at the Howrah Orthopaedic Hospital or any other Railway Hospital.

10. As regards the submission made by the appellant with respect to withholding of salary, an employee's right to receive

salary cannot be withheld or reduced except on the basis of a proper enquiry conducted in accordance with applicable rules. In the absence of any such enquiry or finding of misconduct, denial of salary would be illegal and arbitrary. Nothing has been brought on record to establish that any enquiry was conducted before withholding the appellant's salary.

11. Accordingly, the following directions are issued:

- i. The appellant shall be examined by a Medical Board to be constituted by the All India Institute of Medical Sciences (AIIMS), Lucknow, within three weeks from the date of receipt of the order.
- ii. The Medical Board shall specifically assess:
 - (a) whether the appellant is fit for Category 'A' duties as Senior Assistant Loco Pilot involving running duties, climbing, and emergency response; or
 - (b) if not, whether he can be assigned light duties or desk work; or
 - (c) whether he is eligible for Alternate Employment on Medical Grounds (AEMG).
- iii. The respondent(s)-authorities shall make all necessary arrangements for the appellant's examination at AIIMS, Lucknow, including travel and accommodation.

iv. Upon receipt of the Medical Board's report, the respondent(s)-
authorities shall pass appropriate orders regarding the
appellant's service entitlements within two weeks, including
consideration for alternate employment if he is found unfit for
Category 'A' duties.

v. The respondents are directed to immediately release the
appellant's full salary with effect from January 2024 onwards,
including all arrears and allowances, within two weeks from
the date of receipt of a copy of the order, if not already paid.

12. The Civil Appeal is disposed of in the above terms. Pending
application(s), if any, also stand disposed of.

.....**J.**
(SANJAY KAROL)

.....**J.**
(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;

NOVEMBER 24, 2025

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

Petition(s) for Special Leave to Appeal (C) No(s). 29215/2025
[Arising out of impugned final judgment and order dated 17-07-2025
in WRIT-A No. 4652/2025 passed by the High Court of Judicature at
Allahabad]

ANURAG SHARMA

Petitioner(s)

VERSUS

GENERAL MANAGER, NORTH CENTRAL RAILWAYS,
PRAYAGRAJ, U.P & ORS.

Respondent(s)

(IA No. 259500/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT AND IA No. 259501/2025 - EXEMPTION FROM FILING O.T.)

Date : 24-11-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) : Mr. Rahul Kaushik, Sr. Adv.
Mr. Pradeep Kumar Dwivedi, Adv.
Mr. Satyam Pandey, Adv.
Mr. Makardhvaj Yadav, Adv.
Mr. Siyaram Sharma, Adv.
Ms. Gayatri Sharma, Adv.
Mr. Raghvendra Upadhyay, Adv.
Ms. Purnima Jain, Adv.
Mr. Dilip Kumar, Adv.
Mr. Sandeep Kumar Dwivedi, AOR

For Respondent(s) : Mr. Brijender Chahar, A.S.G.
Mr. Nachiketa Joshi, Sr. Adv.
Mr. Karan Chahar, Adv.
Mr. Amit Sharma-ii, Adv.
Mr. Satya Jha, Adv.
Mr. Manoj Kumar, Adv.
Mr. Mohan Prasad Gupta, Adv.
Mr. Amrish Kumar, AOR

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

1. Leave granted.
2. Appeal is disposed of in terms of signed order.

3. Pending application(s), if any, shall stand disposed of.

(RAJNI MUKHI)

ASTT. REGISTRAR-cum-PS

(Signed order is placed on the file)

(ANU BHALLA)

COURT MASTER (NSH)