

*Order Sheet*  
IN THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Muhammad Shafi Siddiqui  
Mr. Justice Adnan-ul-Karim Memon

**Constitutional Petition No. D -5616 of 2018**

Muhammad Aftab

*Versus*

The Divisional Superintendent Pakistan Railway, Karachi & 05 others

Date of hearing &

Decision : 22.02.2021

Mr. Matloob Hussain, advocate for the petitioner.

Mr. Fida Hussain, advocate for Pakistan Railways.

Mr. Muhammad Nishat Warsi, DAG.

**ORDER**

**ADNAN-UL-KARIM MEMON, J.** – The grievance of the petitioner is that his candidature for the post of Assistant Driver (BPS-09) in Pakistan Railways has been rejected and he has been declared medically unfit in Class A/one for the aforesaid post based on the letter dated 25.03.2017 issued by Divisional Medical Officer, Pakistan Railways, Karachi without looking to the fact that he had already been declared medically fit by different hospitals of Government of Pakistan / Sindh i.e. Jinnah Hospital, PNS Shifa Hospital, DOW University of Health Sciences, Karachi, Civil Hospital Karachi, and Pakistan Eye and General Hospital Karachi.

2. Mr. Matloob Hussain, learned counsel for the petitioner, has contended that medical reports issued by the aforesaid hospitals and independent examination of his vision, do not reflect any such defect/ailment to render him medically unfit for the post applied for. However, he in principle agreed to the disposal of this petition with a direction to an independent hospital/institution to examine him and opine about his vision, and if found fit, the respondents may be directed to appoint him on the aforesaid post.

3. This proposal is objected by Mr. Fida Hussain, learned counsel for Pakistan Railways, and has raised the question of maintainability of the instant petition, by referring to the para-wise objections/reply to the petition and argued that he was medically examined by the Eye-Specialist

for recording vision and was detected that his vision to be 6/18 in both eyes against the required standard of vision 6/6 without glasses. However, he was again referred for re-examination, but later on, he was found to be 6/6 in both eyes, which prompted the respondents and detected that the petitioner had undergone laser reflective surgery, as such he was again referred to the JPMC where it was confirmed that he had got LASIK of both eyes somewhere in the private hospital and this was the reason he was not declared medically fit for the post of Assistant Driver which is directly related to the train operation.

4. At this stage, we confronted him with the letter dated 10.08.2017 whereby his case was referred to the Medical Board held on 10.08.2017, however, the findings of the Medical Board could not be placed on record for which the respondents seek time to place on record such findings of Medical Board.

5. We are not in agreement with the version of the learned counsel representing Pakistan Railways on the premise that he was medically found fit by the concerned hospitals. Merely undergoing his LASIK surgery, prima facie, does not declare him medically unfit.

6. In view of the above, we deem it appropriate to direct the competent authority of the respondents to refer the case of the petitioner for medical examination of his vision afresh through an independent/impartial hospital i.e. Agha Khan Hospital Karachi, within two weeks and his medical report shall be placed on record for our perusal.

7. This petition stands disposed of in the above terms along with the listed application(s).

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