

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/FIRST APPEAL NO. 4133 of 2024**

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REGIONAL DIRECTOR, EMPLOYEES STATE INSURANCE  
CORPORATION

Versus

BHARATSINH AMARSINH RAJPUT

=====

Appearance:

MR.KRUTARTH K PANDYA(7092) for the Appellant(s) No. 1

MR UT MISHRA(3605) for the Defendant(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI**

**Date : 17/08/2026**

**JUDGMENT**

1. By way of this appeal under Section 82 of the ESI Act, the ESI Corporation has challenged the judgment and order passed by the learned ESI Court in ESI Second Appeal No.2 of 2024, whereby the learned ESI Court allowed the appeal preferred by the present respondent-workman and modified the order passed by the Medical Appeal Tribunal, Ahmedabad, in MAT (Appeal) No. 24 of 2020 dated 22nd December 2023, enhancing the permanent disability from 10% to 15%.

2. Brief facts of the case, as emerging from the judgment, are as under:

2.1. The respondent-workman - original appellant, is an insured person covered under the Employees' State Insurance Act, 1948 (for short, "the ESI Act"). He was working as a batching machine operator at Arvind Mills, Division of Ankur, Department of Dyeing. According to the original appellant,

while discharging his duties on 19th June 2019, he sustained an employment injury due to caustic soda falling into his right eye. Due to the said injury, he was admitted to ESIC Model Hospital, Bapunagar. Thereafter, he was taken to the M. & J. Institute of Ophthalmology, Civil Hospital, Ahmedabad, for examination and assessment of his vision. The vision of his right eye was reported to be 6/36. Thereafter, he continued to take treatment as an outdoor patient at Civil Hospital, Ahmedabad.

2.2. The original appellant came out with the case that he had completely lost vision in his right eye and was suffering from permanent disability affecting the vision of his right eye. He further contended that, being unable to work without assistance, his earning capacity had consequently decreased.

2.3. The Medical Board, on 4th March 2020, assessed the disability at 0%. However, it was alleged that the Medical Board had assessed the disability at 0% without examining the relevant case papers. Therefore, the original appellant-workman preferred an appeal before the learned Medical Appeal Tribunal (MAT) in MAT Appeal No.24 of 2020. The MAT assessed the disability at 10% by order dated 22nd December 2023.

2.4. Being aggrieved by the said assessment, the workman preferred a Second Appeal before the learned ESI

Court. The learned ESI Court, considering the evidence on record, enhanced the permanent disability to 15%.

2.5. Being aggrieved by the said order, the ESI Corporation has preferred the present appeal.

3. Heard learned advocate Mr. Krutarth Pandya for the appellant-ESI Corporation and learned advocate Mr. U. T. Mishra for the respondent-workman.

4. During the pendency of the present appeal, by order dated 14th July 2026, the respondent-workman, Mr. Bharatsinh Amarsinh Rajput, was referred to the Medical Board, Civil Hospital, Asarwa, for reassessment of his disability. Pursuant thereto, by report dated 30th July 2026, the Director of M. & J. Institute of Ophthalmology, Ahmedabad, forwarded a report to this Court through the Registrar General. The said report is taken on record. The report indicates as under:

*No. Eye/ Establishment/ Class-1-2/  
Committee/4682/2026  
Office of the Director,  
M. & J. Institute of Ophthalmology  
Manjushri Mill Compound,  
Nr. Baliya Limbdi Temple,  
Asarva, Ahmedabad-16  
Dt. 30/07/2026*

To,  
The Registrar General,  
Gujarat High Court,  
Sola, Ahmedabad

**Subject:** *Regarding Examination of Visual Disability  
(Applicant Mr. Bharatsinh Amarsinh Rajput)*

**Reference:** *This Office letter No. Eye/ Establishment/  
Class-1-2/Committee/4592-97/2026, Dt.  
22/07/2026*

*With reference to the subject cited above, the eye examination of the applicant Mr. Bharatsinh Amarsinh Rajput was conducted through our Committee Member at the M. & J. Institute of Ophthalmology, Ahmedabad, on date 28/07/2026. The findings observed during the eye examination are as under:*

|                              |                                                                      |
|------------------------------|----------------------------------------------------------------------|
| <i>Anterior Segment:</i>     | <i>Within Normal Limits (Slit lamp Examination)</i>                  |
| <i>Visual acuity:</i>        | <i>6/6 with spectacles (RE:+1.50* 140 cyl Degrees, LE:+1.50 sph)</i> |
| <i>Colour vision:</i>        | <i>Within normal limits</i>                                          |
| <i>Intraocular pressure:</i> | <i>Within normal limits</i>                                          |
| <i>Gonioscopy:</i>           | <i>Within normal limits</i>                                          |
| <i>Posterior segment</i>     |                                                                      |
| <i>Fundus examination:</i>   | <i>Within normal limits</i>                                          |

*On the basis of the above examination, it is concluded that according to the criteria for visual disability certification and grading of the Government of India, the candidate Mr. Bharatsinh Amarsinh Rajput does not currently possess any type of visual impairment or visual disability. (As per Government of India Guidelines for the Assessment of Specified Disabilities, 2018 issued under the Rights of Person with Disabilities (RPwD) Act, 2016)*

*Sign/Illegible*  
**Professor**  
*M. & J. Institute of  
Ophthalmology,  
Ahmedabad*

*Sign/Illegible*  
**Assistant Professor**  
*M. & J. Institute of  
Ophthalmology,  
Ahmedabad*

*Sign/Illegible*  
**Assistant Professor**  
*M. & J. Institute of  
Ophthalmology,  
Ahmedabad*

*Sign/illegible*  
*30/07/2026*

*M. & J. Institute of Ophthalmology, Ahmedabad*

5. As per the said report, no permanent ophthalmological disability was found. The visual acuity was

6/6 with spectacles; colour vision was within normal limits; intraocular pressure was within normal limits; and gonioscopy was also within normal limits.

6. Considering the aforesaid aspects, according to this Court, the learned ESI Court has committed an error in allowing the appeal and enhancing the disability. Therefore, without advertent to the further merits of the case, the matter deserves to be remanded to the learned ESI Court for fresh consideration. The learned ESI Court shall decide the matter afresh after taking into consideration the report of the M. & J. Institute of Ophthalmology, Ahmedabad.

7. In view of the above, the present First Appeal is allowed. The impugned judgment and order passed by the learned ESI Court in ESI Second Appeal No.2 of 2024, is hereby quashed and set aside. Accordingly, the impugned order is restored to the file of learned ESI Court with a direction to decide afresh after taking into consideration the report of the M. & J. Institute of Ophthalmology, Ahmedabad, in accordance with law and without being influenced by the observations made in this order or by the findings recorded in the impugned judgment. Both parties shall co-operate for expeditious disposal of the proceedings.

8. Registry is directed to forward a copy of the report dated 30th July 2026 to the learned ESI Court, along with the R&P, if any.

9. Connected Civil Application, if any, does not survive and stands disposed of accordingly.

MANOJ

**(J. C. DOSHI,J)**

Original copy of this order has been signed by the Hon'ble Judge.  
Digitally signed by: MANOJKUMAR(HC01092), PRIVATE SECRETARY, at High Court of Gujarat on 21/08/2026 15:33:24