

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA  
PRADESH**

\* \* \* \*

**WRIT PETITION No.25681 OF 2015**

—  
—

Between:

Purushotham Shankaraiah

.. Petitioner

And

The Singareni Collieries Company Ltd.,  
Rep. by its General Manager (Admn.)/IR&PM,  
Kothagudem, Khammam District and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 17-08-2015

**SUBMITTED FOR APPROVAL:**

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

- |                                                                                 |        |
|---------------------------------------------------------------------------------|--------|
| 1. Whether Reporters of Local newspapers<br>may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be<br>marked to Law Reporters/Journals    | Yes/No |
| 3. Whether Their Lordship wish to<br>see the fair copy of the Judgment?         | Yes/No |

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**WRIT PETITION No.25681 of 2015**

**ORDER:**

The grievance of the petitioner is with regard to the proceedings

dated 22.04.2015 issued by the Singareni Collieries Company Limited declaring him fit for his original job.

It is the petitioner's case that he was involved in an accident whereby he was rendered medically unfit for the job of Badli Coal Filler which he was discharging in the service of the Singareni Collieries Company Limited. He therefore applied to the Corporate Medical Board of the said company and upon due physical examination, the Corporate Medical Board issued proceedings dated 31.07.2014 certifying that the petitioner was unfit for further services. There is no indication from the record as to the petitioner having been subjected to any further medical examination by the said Corporate Medical Board. According to the petitioner, except for taking note of an X-Ray from the Nizam's Institute of Medical Sciences, Hyderabad, there was no other material before the Corporate Medical Board of the company to certify that the petitioner was fit for his original job.

Perusal of the impugned proceedings dated 22.04.2015 also reflects that as against the name of the petitioner, the date of examination by the Corporate Medical Board is shown to be 31.07.2014 and there is no indication of any medical examination thereafter by the said Board. The impugned proceedings further reflect that the diagnosis insofar as the petitioner is concerned was that he was suffering from mild cervical spondylosis, mild to moderate bilateral osteoarthritis knee, post operative case of compound fracture right tibia fracture united.

Though Sri J. Sreenivasa Rao, learned Standing Counsel for the Singareni Collieries Company Limited, would contend that the earlier proceedings dated 31.07.2014 of the Corporate Medical Board of Singareni Collieries Company Limited were found to be unreliable and a vigilance enquiry was also initiated, there can be no doubt insofar as the physical status of the petitioner is concerned. Even the impugned proceedings dated 22.04.2015 reflect the repercussions of the accident that he was involved in.

That being so, the Singareni Collieries Company Limited would necessarily have to subject the petitioner to a full physical examination afresh before deciding as to whether he is fit for his original job. Without doing so, mere declaration to that effect on the basis of the earlier examination cannot be sustained.

The impugned proceedings dated 22.04.2015 are accordingly set aside insofar as they pertain to the petitioner. The Singareni Collieries Company Limited shall have the petitioner examined physically by its Corporate Medical Board afresh and thereafter take appropriate action in the matter in accordance with rules.

The writ petition is disposed of with the above directions. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

---

**JUSTICE SANJAY KUMAR**

17<sup>th</sup> August, 2015  
IBL