

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.31497 of 2015

Order:

Heard Sri Gadi Praveen Kumar, learned counsel appearing for the petitioner and Sri J.Srinivasa Rao, learned Standing Counsel for the Singareni Collieries Company Limited (SCCL)-respondents 1 to 4.

2. This writ petition is filed to declare the action of the 4th respondent in issuing proceedings dated 14-8-2015 declaring the petitioner fit for duty without conducting any medical examination and without referring him to Corporate Medical Board as illegal, arbitrary, in violation of principles of natural justice and violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents-Company to send the petitioner to Corporate Medical Board for declaring the genuinity regarding fitness for discharging normal duties.

3. It is submitted by the learned counsel appearing for the petitioner that the petitioner became unfit to perform duty as Support Man in the respondents-Company. At his instance, he was sent for medical examination on 05-8-2014. The Chief Medical Officer, Kothagudem referred the petitioner to the Main Hospital, Kothagudem for advice regarding the fitness for duty. Thereafter, he was sent to the Area Hospital, Ramagundam. The Certificate dated

14-8-2015 issued by the Medical Officer, Area Hospital, Ramagundam shows that the petitioner was examined and found fit for duty. It is the contention of the petitioner that the said Certificate was issued without conducting any medical examination. Therefore, he submitted a representation dated 19-8-2015 to the respondents-Company for re-medical examination so as to assess his fitness. The said representation is pending with the respondents-Company.

4. The learned Standing Counsel for the respondents-Company would submit that since recently the petitioner was examined and was found fit to perform the duties, no further medical examination is necessary.

5. Having regard to the submissions made on either side, the writ petition is disposed of directing the respondents-Company to consider the representation dated 19-8-2015 submitted by the petitioner and pass appropriate orders thereon by subjecting the petitioner to re-medical examination. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

30th September, 2015.
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