

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2943 of 2016

Ratiram Yadav S/o Late Raghunandan Yadav, Aged About 48 Years
Occupation R. B. C. (Driller)/ Support Mistry At Bagdeva Project,
Korba Area, Civil And Revenue District Korba (Chhattisgarh).

---- Petitioner

Versus

1. South Eastern Coalfields Limited Head Office At Seepat Road,
Bilaspur Through Its Chairman Cum Managing Director, District
Bilaspur (Chhattisgarh).
2. The Chief General Manager, South Eastern Coalfield Limited, Korba
Area, District Korba (Chhattisgarh).
3. The Chief Personnel Manager, South Eastern Coalfield Limited,
Korba Area, District Korba (Chhattisgarh).
4. The Chief Manager Personnel/ Regional Personnel Manager, S E C
L Korba Area, District Korba (Chhattisgarh).
5. Sub Regional Manager, Dhelwadiah Singhali Bagdeva, Sub Area, S E
C L District Korba (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri A.S. Rajput, Advocate
For Respondents	:	Shri K.K. Shrivastava, Advocate, on advance copy.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/07/2016

Heard on admission.

1. The petitioner has filed this petition seeking a direction to respondents to allot only surface job and not job under the mines, in view of his sickness.
2. Learned counsel for the petitioner submits that the petitioner is suffering from kidney ailment and other kind of ailment. Earlier the petitioner was subjected to check up by the Apex Medical Board and

the Medical Board recommended surface job only for the petitioner. However, the period prescribed in the recommendation was six months. Thereafter, the petitioner was not medically examined to find out whether he is in fit condition to undertake mining job. The period of six months is going to expire on 20.07.2016.

3. On the other hand, Shri K.K. Shrivastava, counsel for the respondents submits that the petitioner was fully knowing that he has been recommended for surface job only for a period of six months. Therefore, it is submitted, it was the duty of the petitioner to apply for review check up but he did not do. Therefore, in these circumstances, the petitioner is not entitled to any protection at this stage. He submits that the petitioner should submit an application before respondent No.5/ Sub-Regional Manager so that he can be sent for review check up by the Apex Medical Board, which is ordinarily covered once in a month.

4. It appears the petitioner though knowing fully well that he has been recommended for surface duty only for a period of six months, did not approach the authority for being sent for review check up well before expiry of six months and at the fag end, he has rushed to this Court.

5. There is no document on record placed by the petitioner to show that it was the duty of the respondent No.5 to *suo motto* initiate medical check up of the petitioner without any application.

6. Be that as it may, considering that the petitioner claims to be suffering from some kind of kidney ailment and other kind of ailment, the only direction which could be issued by this Court is to direct the petitioner to submit the application and his review check up by the Apex Medical Board on the first available opportunity. Depending on the result, appropriate orders with regard to petitioner's duty may be passed.

7. In the result, at this stage, I am inclined to dispose off the petition with a direction that the petitioner should submit his application within one week from today before respondent No.5.

Thereafter, respondent No.5 shall refer the case of the petitioner for review check up before the concerned Medical Board so that the petitioner can be examined whenever the Medical Board is convened on the first available day. Depending upon the recommendation by the Medical Board, the competent authority shall take a decision whether the petitioner should be allotted surface duty or mining duty.

8. Considering that some time is likely to be consumed in completing the exercise. If, administrative exigency permits, the petitioner may be allotted surface duty till recommendation are made by the Medical Board and if it is not permissible, leave admissible to the petitioner may be granted.

9. With the aforesaid observations/directions, the petition is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge