

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1422 OF 2016

Harishchandra s/o Bhadrapal Saroj

-VS-

Western Coal Field Ltd., thr. Its Chairman-cum-Managing Director, Nagpur and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mrs.Gauri Venkatraman, counsel for the petitioner.
Mr.Pradeep Marpakwar, counsel for the respondent No.1.
Mr.Ambarish Joshi, counsel for the respondent No.2.

CORAM : SMT. VASANTI A NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 26.07.2016.

By this writ petition, the petitioner challenges the order of the respondent-Western Coalfields Limited, dated 12/02/2016 holding that the petitioner was fit for the original job of Belt Operator and he should perform his duty as such.

It is the case of the petitioner that while he was working as a Belt Operator with the respondent-Western Coalfields Limited, he suffered from severe back related problems, as a result of which he was not able to perform the duties of a Belt Operator. The petitioner was assigned surface duty in view of the medical reports submitted by the petitioner from time to time in regard to his inability to perform the duties of a Belt Operator. The petitioner was operated upon, on 21/05/2012 and since the Medical Board found the petitioner to be unfit to perform the duties inside the mines, the petitioner was granted surface duty. By the impugned communication, the respondent-Western Coalfields Limited directed the petitioner to again perform the duty of Belt Operator, as he was found fit for the said job. The petitioner has challenged the said action in this writ petition.

At the time of issuance of notice to the respondents, this Court had granted *ad interim* relief in terms of prayer clause (E), as a result of which the petitioner continued to perform the surface duties,

i.e. lighter job. It is the case of the petitioner in the amendment application that the petitioner has again suffered serious health problems and the physical disability suffered by him, is to the extent of 45%.

Shri Marpakwar, the learned counsel for the respondent-Western Coalfields Limited, states on instructions from the Area Manager of the Western Coalfields Limited that the Western Coalfields Limited is ready to reconsider the claim of the petitioner for performance of lighter duty, in view of his alleged physical disability, after examining the petitioner through the Medical Board. It is stated that the claim of the petitioner would be considered appropriately, according to the opinion of the Medical Board. It is stated that the petitioner should appear before the Medical Board along with all the certificates and subject himself for medical examination .

The learned counsel for the petitioner states that the grievance of the petitioner would stand redressed at this stage, in view of the statements made on behalf of the respondent-Western Coalfields Limited.

Hence, by accepting the statements made on behalf of the respondent-Western Coalfields Limited, we dispose of the writ petition. It is needless to mention that the petitioner would continue to perform the lighter work, till a decision is rendered by the respondent-Western Coalfields Limited, after the examination of the petitioner by the Medical Board. Order accordingly. No costs.

JUDGE

JUDGE

C E R T I F I C A T E

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : G.S.Khunte,
P.A.to Hon'ble Judge

Uploaded on : 28/07/2016