

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4063 OF 2015

(Rashtriya Koyla Khadan Mazdoor Sangh (INTUC) and others vs. The Coal India Limited and others)

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

Shri S.P. Bhandarkar, Advocate for petitioner.

Shri A.M. Ghare, Advocate for respondent nos.1
and 2.

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATED : MARCH 11, 2016

Heard Adv. Bhandarkar for petitioners
and Adv. Ghare for respondent nos.1 and 2.

Adv. Ghare has fairly stated that cases of
petitioner no.2 Banke s/o late Bhiku and petitioner
no.4 Leeladhar Rathod shall be looked into by
Appellate Medical Board afresh and respondent no.3
Dr. (Mrs.) Bela Bhattacharya shall not be part of that
Appellate Medical Board.

In view of this statement, grievance of
petitioners to certain extent is redressed.

However, Adv. Bhandarkar has attempted
to demonstrate bias of respondent no.3 Dr. (Mrs.)

Bela Bhattacharya and for that purpose, he has invited our attention to the case of one Harilal Mahaveer Khurve.

Adv. Ghare has relied upon reply-affidavit to urge that after Shri Khurve was declared unfit, he did not approach appellate forum at all. He further submits that Shri Khurve was admitted in Orange City Hospital, but his relatives got him discharged at their own risk and thereafter he expired.

We do not wish to go into these disputed aspects in writ jurisdiction. We find that petitioner no.1 before this Court is a registered and recognized Trade Union operating in the Industry. If it makes a grievance and it is substantiated by certain illustrations, the employer has to look into it.

Here, we can also point out the stand of the employer. According to employer, because of provision in National Coal Wage Agreement to provide employment to dependent of an employee, who is declared medically unfit, most of the employees at the fag end of their service attempt to procure certificate of unfitness. Respondent no.3 Dr. (Mrs.) Bela Bhattacharya, who is senior-most, has been made in-charge to curb that practice.

It is apparent that in this situation, individual cases may require scrutiny. Hence,

keeping contention of respondent no.1 in this respect open and without observing anything on merits of the said controversy, we grant petitioners leave to approach their employer again if any such instance is repeated. With these observations, we dispose of the petition. No costs.

JUDGE

JUDGE

khj