

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.42846 of 2016

ORDER:

Heard the learned counsel for the petitioner and Sri J.Srinivasa Rao, learned counsel for the respondent.

2. Learned counsel on both sides state that the issue raised in this Writ Petition is covered by the order dt.31-03-2015 in W.P.No.33343 of 2012 and batch. For the reasons alike, this Writ Petition is also disposed of in terms of the said order with the following directions:

“The petitioner will be given the intimation of the date of his examination and the time of their examination. A minimum of even days prior notice in writing will be delivered in that regard. The petitioner must endeavor fully to be present before the Medical Officer concerned on that day and to the extent necessary, he must cooperate and allow the Medical Officer to reexamine him thoroughly. A copy of the findings of the Medical Officer shall also be placed before the Apex Medical Board for its consideration. If, for any reason, the petitioner either owing to illness or any other compelling factor/reason, could not appear before the Medical Officer concerned, on the date and time specified, liberty is granted to such an employee to appear before the personnel/administrative

officer concerned and secure an alternative date for examination, on which date, he shall be present before the Medical Officer. In spite of providing such an opportunity, if the petitioner fails to avail the same, an adverse inference is liable to be drawn against him that he is averse to have his age properly determined and on that basis, the Apex Medical Board can proceed further.

The date of the proceedings of the Apex Medical Board will also be intimated to the respective petitioners with a minimum of 7 days notice and the petitioner is entitled to present his view point before the Apex Medical board and also produce such reliable and clinching material in original (originals of certificates available with them) and in case the petitioner prefers to rely upon any particular register, maintained by the respondent company itself, intimation of which shall be delivered by the petitioner to make available the original thereof for perusal and consideration of the Apex Medical board. The notice/intimation shall be delivered by the respective petitioners of clear three days duration prior to the Apex Medical Board meeting. Let the whole exercise be completed and the appropriate decision of the Apex Board be communicated to the petitioner providing him a minimum of 7 days time, in case the Apex Medical Board

opinion is adverse to their interests. Till this exercise is completed, and all the petitioner is subjected to this process he shall be continued in service if he is in service as on today i.e. 31.03.2015 and he be paid his monthly wages for this duration as well. It shall however be open to the respondents to get very certificate produced by the petitioner verified on their own. It is clarified that composition of the Apex Medical Board will be as per the settlement arrived at between the company and the recognized employees union, if one such settlement is available.

With this, the writ petition stands disposed of. I place on record my sincere appreciation of the efforts put in by the learned standing Counsel and also of the respondent company. No costs.”

3. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 09-12-2016
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