

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.3605 of 2016

ORDER

This writ petition is filed under Article 226 of the Constitution of India for the following relief;

“to issue a writ, order or direction especially one in the nature of writ of mandamus;

(i) to declare the action of the respondents in posting the petitioner and continuing him as General Mazdoor (Surface) in category-I wages as illegal and arbitrary;

(ii) and consequently, direct the respondents to restore the petitioner's status as EP Operator w.e.f 30.12.2011 duly granting all other consequential and attendant benefits.

2. Heard Sri K. Vasudeva Reddy, learned counsel for the petitioner and Sri J. Sreenivas Rao, learned Standing Counsel for Singareni Collieries Company Limited for respondents and perused the material available on record.

3. According to the petitioner, he was initially appointed as Badli Filler on 19.05.1983 and subsequently converted as General Mazdoor and thereafter promoted as EP Operator. While the petitioner was working in the said category, by way of office order bearing Ref.No.CRP/PER/IR/C/081/1976 dated 22.12.2011, he was declared unfit to work as EP Operator pursuant to a Medical Board report dated 10.09.2011. Questioning the said office order dated 22.12.2011, petitioner herein preferred a statutory appeal before the Director General of Mines Safety under Rule 29(j) of the Mines Rules, 1955. The appellate authority, by way of Certificate Issue No.N-13023/13/2012-OH(HQ)/117/295 dated 23.08.2012, declared the petitioner as medically fit for any employment or work on surface. Consequent upon the same, petitioner herein claims to have submitted a representation dated 06.06.2014 to the second

respondent requesting to place him in his original job of EP Operator. The grievance of the petitioner in the present writ petition is that despite the orders passed by the appellate authority and the representation made pursuant to the same on 06.06.2014, no action has been taken by the respondent authorities.

4. Having regard to the fact that pursuant to the appellate authorities' order, the petitioner herein made a representation on 06.06.2014 for redressal of his grievance and keeping in view the nature of controversy in the writ petition, this Court is of the considered opinion that the ends of justice would be met if the second respondent is directed to take appropriate action on the representation dated 06.06.2014 said to have been submitted by the petitioner by fixing some time frame.

5. For the aforesaid reasons, the Writ Petition is disposed of, directing the second respondent to pass appropriate orders on the representation dated 06.06.2014 said to have been submitted by the petitioner, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.V.SESHA SAI

23rd February, 2016
sj