

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.46589 of 2016

ORDER :

It is stated by the counsel for petitioner, and the learned Standing Counsel for respondents that the issue raised in this Writ Petition is covered by the order dt.22.06.2016 in WP.No.38451 of 2015 and batch.

2. Therefore, for reasons alike, this Writ Petition is also disposed of with the following directions :

“1. The company shall issue notice to the petitioner who has not retired as on today and in respect of whom medical certificate was issued earlier, and the petitioner has to undergo re-examination of his medical condition as on the date of examination by the committee appointed by this Court.

2. The petitioner who receives such notice from the company shall invariably appear before the medical board at the time specified and undergo medical examination without any demur and his failure, if any, would be constructed as his disinclination and the medical certificate issued earlier by the medical board constituted by the company shall remain valid.

3. If the medical board constituted by this Court on re-examination holds the petitioner found to be unfit, the declaration shall relate to the date of the medical certificates issued by the medical board constituted by the company earlier and the age of the petitioner who has been declared fit or unfit shall be reckoned from the date of medical certificate issued by the board of the company and his rights and liabilities shall be regulated accordingly.

4. This Court accordingly requests the District Medical and Health Officer, Khammam to depute one Government

Medical Practitioner to head the Committee of Doctors for examination of the petitioner as aforesaid. The DMHO, Khammam shall inform the name of the doctor to the company within 15 days from the date of receipt of this order. The company shall constitute the committee of doctors with the doctor recommended by the DMHO, Khammam as the head of the committee and consisting of the Company Doctors, viz., Dr. B. Sashidhar Reddy of Ramagundam and Dr.B.Madhu Kumar of Bellampally. It is needless to observe that the said Committee of Doctors would discharge their duty in an objective manner without being influenced by any external influences as allegations are leveled by both sides across the bar that the litigation is initiated and continued for oblique purposes.

3. However, as one time measure, the above entire exercise shall be completed within a period of three (03) months from the date of receipt of a copy of this order. No costs.

4. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

M.S.RAMACHANDRA RAO, J

30th December, 2016.
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