THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.38887 of 2016

O R D E R:

Heard counsel for the petitioner and Sri J.Srinivas Rao, Standing Counsel for respondents 1 to 3.

2. Counsel on both sides state that the issue raised in this Writ Petition is covered by the order dt.22.06.2016 in W.P.No.38451 of 2015 and batch.

3. Therefore, for reasons alike, this Writ Petition is also allowed in terms of the directions issued in the said Writ Petition as under:

1) The company shall issue notice to the petitioner who has not retired as on today and if the medical certificate was issued earlier to the petitioner, 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 construed 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 certificate 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 levelled by both sides across the board that the litigation is initiated and continued for oblique purposes.

4. However, as one time measure, the above entire exercise shall be completed within a period of three months from the date of receipt of a copy this order. There shall be no order as to costs.

5. Consequently, miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

M.S.RAMACHANDRA RAO, J

11th November, 2016.
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HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते