

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.30202 of 2013 & C.C.No.2274 of 2013

COMMON ORDER:

This writ petition was filed seeking to declare the action of the 3rd respondent in forcibly referring the case of the petitioner to Corporate Medical Board, Kothagudem to assess his fitness to continue in service as Rope Slicer, as arbitrary and illegal.

This Court *vide* order dated 22.10.2013 directed the respondents to consider the case of the petitioner by re-admitting him to duty, pending disposal of the writ petition.

Alleging non-implementation of the order dated 22.10.2013, the petitioner filed C.C.No.2274 of 2013.

The respondents filed WVMP seeking to vacate the interim order dated 22.10.2013 and filed counter-affidavit in the contempt case.

This Court on 12.3.2015 passed an order in C.C.No.2274 of 2013 with the consensus arrived at the bar and referred the case of the petitioner to Corporate Medical Board. Pursuant to the same, the

petitioner underwent the medical examination.

The respondents passed an order dated 19.9.2015 pursuant to the review made by the Corporate Medical Board on 20.05.2015 declaring him unfit to work in underground and fit to work on surface. Accordingly, his case was considered and drafted to work as General Mazdoor (Surface) in Category.1 Wages as per the procedure in vogue without prejudice to the rights of the management in the contempt case and pending writ petition. He was advised to report to G.M.SRP Area for work and placement on or before 30.09.2015.

Learned counsel appearing for the petitioner submits that the petitioner did not report to duty as stated in the said order, but he is willing to join after closure of the present cases.

Learned counsel on either side consented for closure of the contempt case as well as writ petition.

In view of the undertaking given by the petitioner to join duty pursuant to the office order dated 19.09.2015 and report to duty to GM, SRP Area to work as General Mazdoor (Surface), no cause survives for adjudication.

In the facts and circumstances of the case,

time granted in the office order dated 19.9.2015 is extended upto 8.8.2016 and the petitioner shall positively report to the GM, SRP Area, on or before the said stipulated period and it is for the respondents to regulate the period of his absence till the date of his joining as per the rules. However, the petitioner is not entitled to any payment or wages for the period from 30.09.2015 till his rejoining duty. The validity of the office order dated 19.9.2015 is not decided in the present writ petition, it is for the petitioner to challenge the validity of the said order, if he so chooses.

Accordingly, the Writ Petition as well as Contempt Case are closed.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

22nd July, 2016
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