HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.31940 of 2016

ORDER

Learned counsel on either side represented that the subject matter of the writ petition is squarely covered by the decision of this Court in W.P.No.38451 of 2015 & batch, dated 22.06.2016. The relevant portion of the said order reads as under :

> **"In the circumstances, without going into the legalities of the circulars and the rules made under the mines Act, all the writ petitions are disposed of with the following direction:**
>
> **(1) The company shall issue notices to all the petitioners who have not retired as on today and in respect of whom medical certificates were issued earlier and the petitioners in the above batch of cases have to undergo re-examination of their medical condition as on the date of examination by the committee appointed by this Court.**
>
> **(2) The petitioners who receive such notices from the company shall invariably appear before the medical board at the time specified and undergo medical examination without any demur and their failure, if any, would be construed as their disinclination and the medical certificates**

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 any persons 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 persons who have been declared fit or unfit shall be reckoned from the date of medical certificates issued by the board of the company and their 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 petitioners 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.

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 of this order. No costs."

Following the said judgment and for the reasons given therein, this writ petition stands disposed of in terms thereof. A copy of the order in W.P.No.38451 of 2015 & batch, dated 22.06.2016 be annexed along with this order. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

21st September, 2016
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HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते