

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.37835 of 2016

ORDER:

The issue raised in this Writ Petition is whether the Constitution of a Corporate Medical Board and Appellate Medical Board vide Circulars dt.29-05-2000 vide Memorandum dt.29-06-2014 and Circular dt.07-04-2015 by 2nd respondent is valid.

2. This issue has been considered by this Court in W.P.No.38451 of 2015 and batch and certain directions have been issued therein.

3. Learned counsel for both sides state that this Writ Petition also can be disposed of in terms of the directions contained in the above order.

4. Therefore, for like reasons, this Writ Petition is disposed of with the following directions:

(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 reexamination 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 D M H O , 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.

5. 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.

6. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 04-11-2016
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