

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.39997 OF 2016

DATED : 08.02.2017

Between :

K. Posham S/o.Venkaty,
E.C.No.2855370, Aged about 57 yrs,
Occu : Coal Filler, SRP-3 Incline, SRP Area,
Singareni Collieries Company Limited,
R/o.Near Sandhya Talkies, Srirampur,
Adilabad District.

.. Petitioner

And

The Chairman and Managing Director,
Singareni Collieries Company Limited,
Singareni Bhavan, Red Hills, Hyderabad & others.

.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.39997 OF 2016

ORDER :

This writ petition is filed to declare the high handed acts of respondents in constituting the Corproate Medical Board and Appellate Medical Board vide its circulars Ref.No.P40/5911/IR/1206, dated 29.05.2000, Ref.No.P.40/5911/IR/1205 dated 29.05.2000, memorandum dated 29.06.2014 and Ref.No.CRP/PER/IRPM/C/081/1218 dated 07.04.2015 which are in violation of the Principal Mines Act, 1952 and its Rules 1955 as illegal, arbitrary and violative of principles of natural justice.

2. When the matter is taken up, learned counsel for the petitioner as well as learned Standing Counsel stated that the said issue is covered by the decision of this Court in W.P.No.38451 of 2015 and batch dated 29.11.2016.

3. 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 certificates were 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 receive 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 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.

4. 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. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

8th February, 2017
Rds

P.NAVEEN RAO,J

