

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No. 1753 of 2017

Date :15.12.2017

Between :

Chotla Mallaiah S/o Rangaiah
57 yrs SRP-3 & 3A mine, Srirampur area
H No. 471, Naspur colony, Mancherial district

Petitioner

And

SDM, Subhani S/o Lal
55 years
General Manager, Singareni Collieries company ltd,
Srirampur division, Naspur mandal
Mancherial district

Respondents

The Court made the following:



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ORAL ORDER:

Writ petition was disposed of directing the General Manager, Singareni Collieries Company Limited/third respondent in the writ petition to consider the request of the petitioner in various representations with reference to the benefits claimed by him, as expeditiously as possible preferably within a period of four weeks from the date of receipt of copy of the order. Alleging disobedience of the said direction, this Contempt Case is filed.

2. Along with the counter affidavit, copy of proceedings Ref No.SRP/PER/CF-732/5595 dated 06/08-November, 2017 is enclosed. In the said proceedings, the earlier issues concerning petitioner's claim were narrated and petitioner was informed that he has to undergo medical examination before the Corporate Medical Board and unless Corporate Medical Board assesses his suitability, no further decision can be taken. A reading of the letter would also show that this request to assess the fitness by the Corporate Medical Board was communicated by proceedings dated 11.3.2016.

3. On the last occasion, though, the very same proceedings were produced, learned counsel for petitioner pointed out that there was inordinate delay and that delay is not explained. Having regard to said submission, respondent was directed to explain the reasons for delay.

4. In the counter affidavit filed by the respondent, various steps taken in the matter were explained leading to passing of the order. As can be seen from the order itself and the averments of counter affidavit, petitioner has to be assessed by the Medical Board on the claim of the

petitioner that he is suitable to continue in service and unless Medical Board assesses his suitability or otherwise, no consequential relief as sought for by the petitioner can be granted. It appears, so far petitioner has not been subjected to medical examination by the Medical Board.

5. Having regard to these facts, it cannot be said that respondent has violated the directions of this Court. Further, the explanation offered by the respondent in the counter for delay in taking the decision is valid and the same is accepted. Accordingly, contempt case is closed. However, it is open to the petitioner to avail the appropriate remedies available to him in law. No costs.

DATE: 15.12.2017
TVK

P NAVEEN RAO,J



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