

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.27870 of 2017

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the high handed acts, deeds and things of the respondents in constituting the Corporate 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 for hearing, it is stated by the learned counsel for the petitioner that the *lis* in this writ petition is squarely covered by the judgment of this Court in W.P.No.4211 of 2017, dated 08.02.2017. The operative of the said order reads as follows:

“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.”

3. The same is not disputed by Sri J. Sreenivasa Rao, learned Standing Counsel for respondents 1 to 3.

4. In view of the submission of the learned counsel for the petitioner and the learned Standing Counsel for respondents 1 to 3, this Writ Petition is also disposed of in terms of the order passed in

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W.P.No.4211 of 2017, dated 08.02.2017. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

A.RAJASHEKER REDDY, J

Date: 22nd August, 2017

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