

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.40880, 40891 & 41008 OF 2016

Dated:16.02.2017

W.P.No.40880 of 2016

Between:

Kandula Peda Rajaiah, S/o. Mallaiah,
E.C.No.1413816, Aged about 45 years,
Occ: Halaj Operator, GDK-7,
Singareni Collieries Company Limited,
R/o.H.No.1610-1262, Pothana Colony,
Ramagundam, Karimnagar District

.. Petitioner

And

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

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.40880, 40891 & 41008 OF 2016

COMMON ORDER:

Learned counsel for the petitioners as well as learned Standing Counsel representing the respondent – Company submit that the subject matter of the Writ Petitions is covered by the decision of this Court in W.P.No.38451 of 2015 and batch, dated 22.06.2016, wherein this Court held 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 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 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 levelled 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.”

2. Following the judgment in W.P.No.38451 of 2015 and batch, dated 22.06.2016, these Writ Petitions are also disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petitions shall stand closed.

P. NAVEEN RAO, J

Date:16.02.2017

KH