

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1700 OF 2017

DATED : 19.01.2017

Between :

Madyaanam Mallaiah, S/o.Komarayya,
E.C.No.1701552, Aged about 59 yrs,
Occu : Pump Operator, KTK-2,
Incline, Bhupalpalli Area,
GDK-10 Incline, Singareni Collieries Company Limited,
R/o.Jangedu, M.Bhupalpally,
Warangal 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.1700 OF 2017****ORDER :**

In this writ petition petitioner is aggrieved by the constitution of Corporate Medical Board and Appellate Medical Board through various circulars impugned in this Writ Petition.

When the matter is taken up, learned counsel appearing for petitioner as well as learned Standing Counsel for Singareni Collieries Company Limited submitted that the subject matter of the Writ Petition is covered by the decision of this Court in Writ Petition No. 38451 of 2015 and batch dated 22.06.2016.

Following the said decision, this Writ Petition is 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 certificate was 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) On receipt of notice from the company, the petitioner 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 construed as disinclination and the medical certificate 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 the petitioner found to be unfit, the declaration shall relate to the date of the medical certificate issued by the

medical board constituted by the company earlier and the age of the petitioner declared fit or unfit shall be reckoned from the date of medical certificate issued by the board of the company and his 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 petitioner 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. There shall be no order as to costs.

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

19th January, 2017
Rds

P.NAVEEN RAO,J