

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.27491 OF 2017

ORDER :

Heard learned counsel for the petitioner and learned Standing Counsel appearing for Singareni Collieries Company Limited.

2. At the time when the matter is taken up, learned counsel for the petitioner as well as learned Standing Counsel would submit that the issue involved is covered by the decision of this Court in W.P.No.38451 of 2015 and batch dated 22.06.2016 and W.P.No.4211 of 2017 dated 08.02.2017.

3. In the above case (W.P.No.4211 of 2017), learned Single Judge of this Court held as under:

“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 receives 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 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 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.

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."

4. Hence, this writ petition is disposed of in terms of the orders passed in W.P.No.4211 of 2017 dated 08.02.2017.

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

JUSTICE C. PRAVEEN KUMAR

18.08.2017
vhh

