

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 4445 of 2018

1. Karlu Ram S/o Chhote Gunja, aged about 54 years, R/o Ward No.16, Churcha Colliery, Shivpur, Korea, District Korea (C.G.).
2. Ku.Salita D/o Karlu Ram, aged about 21 years, R/o Ward No.16, Churcha Colliery, Shivpur, Korea, District Korea (C.G.).

---Petitioners

Versus

1. South Eastern Coalfields Limited, Through Chairman Cum Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur Chhattisgarh.
2. The General Manager, South Eastern Coalfield Limited, Baikunthpur, District Korea Chhattisgarh.
3. Deputy Chief Personnel Manager, South Eastern Coalfield Limited, Baikunthpur, District Korea Chhattisgarh.
4. The Personnel Manager, South Eastern Coalfield Limited, Churcha Colliery, Baikunthpur, District Korea Chhattisgarh.
5. Sub Area Manager, South Eastern Coalfield Limited, Churcha Colliery, Baikunthpur, District Korea Chhattisgarh.
6. Chief Of Medical Services, South Eastern Coalfields Limited, Seepat Road, Bilaspur Chhattisgarh.

---Respondents

For petitioners : Shri Syed Majid Ali, Advocate.
 For respondents : Shri K.K.Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/07/2018

1. The present Writ Petition has been filed by the petitioner who is totally blind on account of his occupational hazard. The petitioner has been running from pillar and post in the office of the respondents for sending his case to the Medical Board for declaring him to be medically unfit so that he could get

the benefits which are otherwise provided to an employees of the respondent-company in accordance to the scheme provided under the service conditions.

2. The petitioner on an earlier occasion had filed a Writ Petition which was registered as WPS No.3049/2017 which stood disposed off on 05/10/2017.

3. While disposing off the Writ Petition, this Court had made the following observations.

“In that view of the matter, at this stage, this petition is finally disposed off with a direction that the respondents shall place for consideration of petitioners cases before the next Medical Board examination. In case, the petitioner No.1 is found to be ineligible for appointment, it goes without saying that the respondents will have to proceed to provide other relief according to the relevant provisions of NCWA. All measures shall be taken to ensure that the exercise be completed as early as possible. In case, case of petitioners is not decided within a period of four months, they would be at liberty to revive the petition.”

4. On perusal of the order of this Court as stated above what clearly reflects is that, a direction was issued to the respondents to complete the exercise as early as possible and the petitioner would be at liberty to revive his petition after 4 months. The present Writ Petition has been filed almost after about 8 months after that.

5. Today also, the return of the respondents has come and they are still reciting the same song whereby they say that, the petitioner's case shall be

considered as and when the next Medical Board is constituted which is not in the hands of the respondents.

6. This Court fails to understand as to why the respondents find it difficult in constituting the Medical Board at frequent intervals so as to consider the cases of all those persons who are either 100% medically unfit or are in a condition where they are not in a position to discharge their duties.

7. Once when the provision of NCWA provides/envisages a provision of constitution of the Medical Board for consideration of those employees who are not medically fit to perform their duties. There is no reason why the respondents should shy away from discharging the responsibilities which has been vested upon them. It appears that the respondents are deliberately not constituting the Medical Board so as to drag on the case of the petitioner and in the process the petitioner crosses a particular age after which there is no provision for the benefits which they would otherwise be entitled for if they are medically examined and found unfit as on date.

8. Given the aforesaid facts and circumstances of the case, this Court does not intend to keep the Writ Petition pending at this juncture.

9. Considering the peculiar health condition of the petitioner wherein according to him, he has been declared 100% blind by the District Medical Board, it is directed that the respondent No.1 should personally ensure that the Medical Board is constituted at the earliest preferably within a period of 60 days from today and the Medical Board shall also consider the case of the petitioner so far as his disability is concerned and pass a final order

within a further outer limit of 60 days. If required, the respondent No.1 should consider constitution of the Medical Board if not constituted for other similarly placed persons atleast for the petitioner without any further delay caused and if for any reason the respondent No.1 finds it difficult in constituting the Medical Board, it is directed that the Chairman, Coal India shall personally provide all necessary instructions to the competent authorities ensuring the early constitution of the Medical Board for compliance of the order passed by this Court.

10. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit