

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9866 OF 2018

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in not referring the case of the petitioner to the Medical Board and in not declaring the petitioner as medically unfit for service as per the Mines Act, 1952 and its Rules 1955, as illegal and arbitrary and violative of principles of natural justice and consequently declare that petitioner is unfit for service of the respondent as the petitioner is suffering with Epilepsy.

The case of the petitioner is that he is working as Mason in 2nd respondent Company; that as he is suffering with giddiness, the 2nd respondent referred him to Area Hospital; that after examination, the respondent company referred the petitioner to the Sunshine Hospital at Hyderabad; and that though he was examined in Sunshine Hospital, his problem was not cured. Subsequently, on 09.02.2016 the petitioner met with an accident at Mine and as such, the respondents referred the petitioner to the Area Hospital and later, on 11.03.2016 he was referred to Corporate Medical Board, where he was declared as medically fit for service. The case of the petitioner is that though he is suffering with the neuro problem frequently, the respondents are not declaring him as unfit for the service.

Heard learned counsel for the petitioner.

Sri J.Srinivasa Rao, learned Standing Counsel for respondents submits that when once the petitioner is declared as fit by the Corporate Medical Board and he is discharging his duties, referring him again to the Medical Board does not arise.

It is to be seen that petitioner himself at para-4 stated that he met with an accident and he was referred to the Area Hospital by the respondents at the first instance and later he was referred to the Corporate Medical Board where he was declared as fit for service. In view of the same, as contended by the learned Standing Counsel, when once the Medical Board examined and declared the petitioner as fit, the question of again referring him to the Medical Board does not arise. Obviously, as the petitioner is aged 59 years he filed the present writ petition to claim the benefit of medical invalidation with a view to secure employment to his children.

In view of the aforesaid facts and circumstances, the writ petition is dismissed. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

10.04.2018
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