

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.41790 OF 2015

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in rejecting the petitioner's request for employment, as he is suffering with PRPP right lower limb, without examining his fitness to work in the coal mines with the disability suffered by him, as illegal and arbitrary, and consequently, to set aside the impugned proceedings dated 21.2.2015 issued by the 4th respondent and to direct the respondents to provide suitable employment to the petitioner.
2. Heard Sri K. Vasudeva Reddy, learned Counsel for the petitioner and Sri J. Sreenivasa Rao, learned Standing Counsel for Singareni Collieries.
3. It has been submitted by the petitioner that his father while working as General Mazdoor with the respondents died in harness leaving behind the petitioner and his mother as legal heirs, and that the petitioner submitted an application seeking appointment on compassionate grounds and that the respondents examined his case and rejected his case vide proceedings dated 21.2.2015 on the ground that he is medically unfit. Further it has been submitted by the petitioner that the respondents sent the petitioner for medical examination while considering his case for compassionate appointment, and the Medical Board examined him and declared him as unfit. It has been contended by the petitioner that he has right of appeal under Section 29J of Mines Rules against Medical Report Form-O, but the respondents without furnishing Form-O rejected the case of the petitioner vide proceedings dated 21.2.2015.

4. Learned Standing Counsel for the respondents filed a counter-affidavit contending that the case of the petitioner was considered for compassionate appointment, but on medical examination, it was found that the petitioner is medically unfit to be considered for appointment on compassionate grounds. The respondents also enclosed Form-O to the counter-affidavit.

5. The learned Counsel for the petitioner submits that the appeal has to be filed within 30 days from the date of receipt of Form-O under Section 29J of the Mines Rules, and since Form-O was furnished today that too, as it was enclosed to the counter-affidavit at page No.40, liberty may be given to the petitioner to file an appeal before the appellate authority under Section 29J of the Mines Rules.

6. In view of the above submissions, the Writ Petition is disposed of granting liberty to the petitioner to prefer appeal against Medical Report Form-O to the appellate authority within 30 days from today and upon such appeal being preferred by the petitioner, the appellate authority shall consider the same and pass appropriate orders within two months thereafter. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI,J)

Dated: 1st May, 2018
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