

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.24776 OF 2018

Dated:19.07.2018

Between:

Devarakonda Mogili (EC No.2076201)
S/o.Rajaiah, Aged about 59 yrs,
Working as General Mazdoor,
At Khaiguda Mine,
Singareni Collieries Company Limited,
Goleti Mandal, Mancherial District.

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Petitioner

And

The Singareni Collieries Company Limited,
Rep., by its Chairman & Managing Director,
Kothagudem, Bhadrachalam District & others.

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Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.24776 OF 2018****ORDER:**

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

2. Petitioner is working as General Mazdoor and is aged about 59 years. This writ petition is filed to declare the action of respondents in not examining petitioner's fitness by the Medical Board and in declaring him as fit and consequently to direct the respondents to assess the petitioner's fitness as directed by this Court in W.P.No.38451 of 2015 & batch.

3. As pointed out by learned Standing counsel petitioner was complaining of ill-health in the year 2015. Based on his request, he was examined on 18.03.2015 and on examination he was declared as fit to perform the duties provided his Blood Pressure is within normal limits. This certificate of the Chief Medical Officer, declaring the petitioner as fit is not assailed and petitioner has been working continuously all along.

4. On a specific question posed by the Court, learned counsel for the petitioner is unable to say as to whether any deterioration in the health condition or fluctuations in Blood Pressure, thereafter warranting further medical examination and determination of his status to perform the duties. It appears there is no such change in the health condition of the petitioner. Thus, no reasons are assigned why petitioner is asking for reference to Medical Board. For mere asking on the verge of retirement for reference to the Medical Board at the age of superannuation, no

relief as sought for can be granted. Petitioner cannot seek as a matter of right for reference to the Medical Board, merely because he wanted to be referred to Medical Board, when no adverse health condition is placed on record. It is also apparent from the material on record that no request was made by the petitioner for reference to Medical Board at any point of time. Thus, the relief as sought for cannot be granted, and the Writ Petition is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

Date:19.07.2018
Rds

P. NAVEEN RAO, J

