

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.29386 OF 2018

Dated:21.08.2018

Between:

Elpula Ankaiah, S/o. Venkati,
E.C.No.2804719, Aged about 58 years,
Occ: General Mazdoor, SRP Area,
RKNT Incline, Singareni Collieries
Company Limited, R/o.H.No.15-97,
Rajeev Nagar, RK-6, Singapur, Mancherial,
Srirampur Colony, Adilabad District

.. Petitioner

And

The Chairman and Managing Director,
Singareni Collieries Company Limited,
Singareni Bhavan, Read Hills,
Hyderabad and others

.. Respondents



The Court made the following:

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ORDER:

Heard.

2. Petitioner joined the service of the respondent – Company and presently working as General Mazdoor in RKNT Incline, Srirampur. He claims that he is suffering with knee and joint pains and also severe back pain. He claims that consequent to the scheme of voluntary retirement formulated by the respondent - Company on 11.10.2016, he applied for the same on 15.02.2017 to subject him to medical examination and to permit him to retire voluntarily from service. Alleging inaction on the part of the respondent – Company in subjecting the petitioner to medical examination, even though he is suffering with knee and joint pains, the present Writ Petition is filed.

3. Learned Standing Counsel for the respondent – Company, on instructions, submits that petitioner was subjected to medical examination on 30.08.2016 and Medical Board declared him as fit and he has been working. The application submitted on 15.02.2017 is under the scheme notified on 11.10.2016, whereas that scheme was struck down by Division Bench of this Court and therefore no application made under that scheme is considered.

4. Except asserting that an application was made by the petitioner for medical examination under the scheme, there are no other averments in support of prayer in the Writ Petition. On the issue that petitioner was subjected to medical examination and

was declared as fit on 30.08.2016, there is no averment in the affidavit of petitioner.

5. As the scheme itself was struck down by the Division Bench of this Court, no direction to consider the application of the petitioner under the scheme can be granted. The Writ Petition merits no consideration and the same is liable to be dismissed.

6. The Writ Petition is accordingly dismissed. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:21.08.2018

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P. NAVEEN RAO, J

