

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.30663 OF 2018

DATED :20.09.2018

Between :

Velveni Veeraiah S/o.Iylaiah,
Aged 59 yrs, EC No.0859920,
Occu : Trammer, GDK-7, LEP,
RG-II Area, R/o.H.No.16-4-81,
L.B.Nagar, Godavari Khani, Karimnagar District.

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Petitioner

And

The Chairman and Managing Director,
Singareni Collieries Company Limited,
Singareni Bhavan, Red Hills, Hyderabad & others.

..

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

This writ petition is filed praying to grant the following relief :

“.... declaring that the acts, deeds and things of the Respondents in not referring the petitioner to the 4th Respondent for Medical Examination is illegal, arbitrary and violative of rights guaranteed by the Constitution of India against to the Mines Act, 1952 and its Rules 1955 and National Coal Wages Agreement (NCWA) and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and pass such other order or orders may deed fit and proper in the circumstances of the case.”

2. Learned Standing counsel, based on the written instructions furnished to him would submit that petitioner was examined by the Area hospital and was found fit for duty. He was also sent for periodical medical examination and was found fit for duty with glasses on 19.05.2018 after medication. Petitioner retired from service on attaining the age of superannuation on 31.08.2018.

3. According to learned Standing counsel, if an employee is examined by the Area Hospital and is found medically fit, there is no requirement to refer him to Medical Board and that the order declaring him as medically fit and the finding of the Area Hospital, declaring as fit was not challenged, he continued in service till he attained the age of superannuation.

4. Since petitioner was already declared as fit on medical examination, no relief as sought for can be granted. If petitioner has any grievance against declaring him as medically fit, he has to work out his remedies as available in law.

5. Having regard to the above observations, the Writ Petition is dismissed giving liberty to the petitioner to work out his remedies as available in law. Pending miscellaneous petitions shall stand closed.

20th September, 2018
Rds

P.NAVEEN RAO,J

