

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.39473 OF 2018

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in withholding the result of the petitioner's medical examination conducted by the 4th respondent on 23.7.2016, as arbitrary and illegal, and consequently, to declare that the petitioner is medically invalid for the services of the 1st respondent-company from 15.9.2015 and further, to direct the respondents to issue statutory benefits under the Mines Act and Rules made thereunder.

2. Heard Sri Ch. Venkat Raman, learned Counsel for the petitioner and Sri J. Sreenivasa Rao, learned Standing Counsel for the respondents.

3. It has been submitted by the petitioner that he joined in the service of the 1st respondent-company as Hammer Man, and now, he is medically unfit to discharge his duties as Hammer Man and that the 4th respondent-Medical Board examined the petitioner on 23.7.2016, however, the respondents have withheld the result of the said medical examination for the reasons best known to them. Further, it has been submitted by the petitioner that he submitted a representation on 30.5.2017 requesting the respondents to

declare the result of the medical examination conducted on 23.7.2016, but the respondents have not passed any orders on the said representation so far.

4. The learned Standing Counsel for the respondents contended that initially, the petitioner was examined by the Doctor of Area hospital and thereafter, the case of the petitioner was referred to the Corporate Medical Board. The learned Standing Counsel further submitted that appropriate orders will be passed on the representation of the petitioner.

5. Having considered the rival submissions made by the parties, without expressing any opinion on merits of the case, this Court is of the view that this Writ Petition can be disposed of directing the respondents to declare the result of the medical examination of the petitioner conducted on 23.7.2016.

6. Accordingly, the Writ Petition is disposed of directing the respondents to declare the result of the medical examination of the petitioner conducted on 23.7.2016, if not already declared, and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 2nd November, 2018.
Nn.

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2/11/2018

Nn.