

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.39477 OF 2018

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in issuing the circular dated 17.10.2011 restricting the age of the petitioner to refer to the 4th respondent-Medical Board, as arbitrary and illegal, and consequently, to direct the respondents to refer the petitioner to the 4th respondent-Medical Board and declare that the petitioner is medically unfit for the services of the 1st respondent-company.

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 is working as a Support Man in the 1st respondent-company at Ramagundam area and for the past four years, he has been suffering from eye problem and Ortho problems, and now, he is medically unfit to discharge his duties as Support Man and that he made an application on 10.9.2018 to the 1st respondent-company to refer his case to the 4th respondent-Medical Board, but the 1st respondent-company has not referred his case to the 4th respondent.

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 4th respondent-company, but he did not attend before the Medical Board. The learned Standing Counsel further submitted that appropriate orders will be passed on the application of the petitioner dated 10.9.2018.

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 refer the case of the petitioner to the 4th respondent-Medical Board.

6. Accordingly, the Writ Petition is disposed of directing the respondents to refer the case of the petitioner to the 4th respondent-Medical Board and to declare the result of the medical examination to be conducted 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.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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2/11/2018

Nn.