

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.45457 OF 2018

ORDER

This writ petition is filed seeking the following relief:

“...to issue order or direction more particularly one in the writ of Mandamus to declare the action of the respondents in not invalidating the petitioner from service as Lineman, E.C.No.435205 KTK-8 Incline Singareni Collieries Limited, Kakatiya Longwall Project, Bhupalpalli Area, Jayashankar District and finding him unfit for ground duties and fit for surface as General Mazdoor through Corporate Medical Hospital results and on 28.11.2018 as illegal, arbitrary and unjust and consequentially direct the 4th respondent to re-examine the case of the petitioner and submit a report to the respondents to take appropriate decision for invalidating the petitioner from service since petitioner cannot discharge even surface duties as General Mazdoor and to pass such other order or orders as this Hon'ble Court may deem fit and proper.”

Heard Sri K.R.Srinivas, learned counsel appearing for the petitioner and Sri J.Srinivas, learned Standing Counsel appearing for the respondents.

Learned counsel appearing for the petitioner submits that the petitioner was already subjected to medical examination on 28.11.2018 and the Medical Board declared him unfit for underground duties and fit for surface duties as General Mazdoor.

Learned Standing Counsel appearing for the respondents submits that the petitioner was subjected to medical examination in less than one month by the Medical Board and the Medical Board has declared him fit for surface duties; that there is no rule provision to once again refer the case of the petitioner to the Medical Board in less than one month; that as per the Rules, the case of the petitioner will be referred after one year from the date of medical examination; and that the writ petition is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the petitioner has no legal right to contend that his case has to be referred to the Medical Board once again. The petitioner cannot challenge the action of the respondents in not referring his case to the Medical Board, since the Medical Board has examined him on 28.11.2018 and declared him unfit for underground duties. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

14th December, 2018
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