

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.1354 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue a Writ Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in issuing the circular vide Ref No.CRP/PER/IR/C/081/1622 dated 17-10-2011 in restricting the petitioners to refer for re-examination to the 4th respondent Medical Board is illegal, arbitrary and consequently direct the respondents to refer the petitioners to the 4th respondent Medical Board and declare them as unfit for the service of the respondent company as per the Mines Act, 1952 and its Rules 1955 and to pass such other order or orders as the Hon'ble Court deems it fit in the interests of justice.”

Heard Sri G.Arvind Raj, learned counsel appearing for the petitioners and Sri J.Srinivasa Rao, learned Standing Counsel appearing for the respondents.

Learned counsel appearing for the petitioners submits that even though the Medical Board noticed that the petitioners have been suffering from various health problems, it declared them fit to discharge their duties.

Learned Standing Counsel appearing for the respondents submits that the petitioners were subjected to medical examination in less than one month by the Medical Board and the Medical Board has declared them fit to discharge their duties; that there is no rule provision to once again refer the cases of the petitioners to the Medical Board in less than one month; that as per the Rules, the cases of the

petitioners 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 petitioners have no legal right to contend that their cases have to be referred to the Medical Board once again. The petitioners cannot challenge the action of the respondents in not referring their cases to the Medical Board, since the Medical Board has examined them and declared them fit to discharge their 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.

28th January, 2019
rkk

JUSTICE ABHINAND KUMAR SHAVILI

