

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.1567 OF 2019

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the action of the respondents in not initiating the process for sending the petitioner to medical board for ascertaining petitioner's physical fitness so as to enable one of his children eligible for an appointment in respondent's organisation on compassionate ground as illegal and arbitrary and sought for a consequential direction to direct the respondents to initiate process for sending petitioner to medical board for ascertaining petitioner's physical fitness so as to enable one of his children eligible for an appointment in respondent's organisation on compassionate ground.

Heard Sri N.Chandra Sekhar Reddy, learned counsel for petitioner and Sri J. Srinivasa Rao, learned Standing counsel for respondents.

It has been contended by the petitioner that he was employed with the respondents as Haulage Operator and retired from service on 31.03.2017 on attaining the age of superannuation. The grievance of the petitioner is that while he was in service, the respondents have not referred his case to medical board for assessment of his medical fitness and consequently he could not retire from service on medical grounds. Since the respondents have not referred his case to medical board, he has filed the present writ petition seeking a direction to the respondents to refer his case to medical board and upon the petitioner being declared as unfit by the medical board, seeks a further direction to respondents to consider

one of his children who is eligible to be appointed on compassionate grounds.

Learned counsel for the petitioner contends that appropriate orders be passed directing the respondents to consider the case of the petitioner for referring him to medical board and upon such medical board declaring the petitioner as medically unfit, further direct the respondents to consider his children for compassionate appointment.

Learned Standing counsel appearing for the respondents contends that since the petitioner has retired from service on 31.03.2017 on attaining the age of superannuation, the question of referring his case to medical board would not arise and after retirement he cannot claim for referring his case to medical board for assessment of medical fitness. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions of both the parties, is of the considered view that since the petitioner has retired from service on attaining the age of superannuation, the question of referring his case to medical board for assessment of his medical fitness has no relevance. Therefore, the writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI,J

Date: 30.01.2019
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