

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.2215 of 2018

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondent Nos.2 and 3 in not considering the petitioner in restoring him to his original post of E.P.Operator by re-designation by virtue of Medical Re-examination Report, dated 08-06-2017, issued by the Appellate Medical Board and subjecting the petitioner to unnecessary Medical Examinations though the First Medical Report dated 25-01-2016 is well within the parameters specified in the Mines Rules, 1955, as illegal, arbitrary, capricious and violative of the Mines Rules, 1955 and sought consequential direction to the 3rd respondent to appoint the petitioner by re-designating him as E.P.Operator forthwith along with all attendant benefits including seniority.

2. Heard Sri T.Balaswami, learned counsel for the petitioner and Sri J.Srinivasa Rao, learned Standing Counsel, appearing for the respondents.

3. The petitioner contends that he was initially appointed as Badli Filler under compassionate grounds in June 2007 and he has been discharging his duties to the satisfaction of his superiors and everyone concerned. After completion of three years of service, he was designated as E.P. Operator (Trainee) and while he was discharging his duties, the respondents have referred him to

Ophthalmologist and again referred to the Corporate Medical Board. The Corporate Medical Board had declared him as unfit to work in the Mines and later, during December 2016, he was entrusted the General Mazdoor (Surface) Cat.1. Aggrieved by the decision of the Corporate Medical Board, he had requested the respondents to refer the case to the Appellate Medical Board and the respondents have referred the case to the Appellate Medical Board and it had examined him on 08-06-2016 and declared him as fit to work in the Mines. The grievance of the petitioner is that even though the Appellate Medical Board has declared him as fit for Mines job, the respondents are not restoring him as E.P. Operator. Further, he has also submitted a representation to the respondents on 11-12-2017 requesting the respondents to entrust the job of E.P. Operator to him by taking into account the Appellate Medical Board's report, dated 08-06-2016, but so far the respondents have not passed any orders thereon.

4. Learned Standing Counsel for the respondents submits that the respondents will consider the case of the petitioner and appropriate orders would be passed on the representation of the petitioner in accordance with law.

5. Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioner and pass appropriate orders on the representation, dated 11-12-2017, of the

petitioner in accordance with law within a period of six months from the date of receipt of a copy of this order. No costs.

6. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 30-04-2019
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