

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4526 of 2019

ORDER:

Heard.

2. Petitioners are aggrieved by the assessment made by the Corporate Medical Board declaring the petitioners as fit for the job they are doing. Assessment of petitioners was made and declared as fit on various dates between September, 2018, to December, 2018. All of them are declared to be fit to perform their duties. Petitioners contend that assessment was not properly made and there is a need to make re-assessment of their fitness. Alleging that their request for re-examination is not acceded to, this Writ Petition is filed.

3. Learned Standing Counsel submits that Medical Board has assessed several employees on their fitness for discharging their duties on the date of assessment and wherever the Medical Board found the employees as fit, declared them as fit and wherever the assessment resulted in their inability to perform same duties and are fit to perform some other duties, the Medical Board has declared them as unfit for underground duties. Therefore, he submits that proper assessment was made before declaring the petitioners as fit. He further submits that as per the instructions issued vide Circular Ref.No.CRP/PER/RPM/C/081/1218 dated 07.04.2015 by the respondent Company, there is no provision for fresh assessment/re-assessment of an employee who was already assessed by the Corporate Medical Board and declared as fit, within one year from the date of such assessment. He would

therefore submit that employees have to wait atleast for one year before making a request for re-assessment of their fitness to perform duties.

4. Having gone through the Circular relied upon by the learned Standing counsel, *prima facie*, as per clause 13 thereof, it is clear that re-assessment/fresh assessment of the persons' fitness to perform duties can be made only after one year of the previous medical examination by the Corporate Medical Board. This Circular is not challenged. In view of the same, the relief sought by the petitioner cannot be granted.

5. The Writ Petition is accordingly dismissed. Miscellaneous Petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

6th March, 2019.
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P.NAVEEN RAO, J