

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.6452 OF 2019

ORDER :

This writ petition is filed for the following relief:

“.....Writ of Mandamus declaring the action of the respondents in issuing the Memorandum No.CRP/PER/IR/C/081/1102, dt.17.05.2013 and its subsequent Circular Ref.No.CRP/PER/IR/C/081/139, dt.21.01.2019 in restricting the statutory benefits of the petitioner accrued under Mines Act, 1952 and its Rules 1955 by the Respondent Company is illegal, arbitrary and violative of Rights guaranteed by the Constitution of India and consequently declare that the petitioner is eligible for all the statutory benefits under Mines Act, 1952 and its Rules 1955 and.....”

The petitioner in this writ petition is challenging the Memorandum No.CRP/PER/IR/C/081/1102, dated 17.05.2013, and its subsequent Circular vide Ref.No.CRP/PER/IR/C/081/139, dated 21.01.2019, issued by the respondents in restricting the statutory benefits accrued in favour of the petitioner under the Mines Act, 1952 and its Rules 1955, as arbitrary and illegal and consequently sought a direction to declare that the petitioner is entitled for all the statutory benefits under the Mines Act and the Rules made thereunder.

The petitioner is the employee of the respondents – Singareni Collieries Company Limited. Keeping in view

their working conditions, certain benefits were provided to the employees of the respondents – Company under the provisions of the Mines Act, 1952 and the Rules made thereunder by way of issuing various Circulars from time to time. The grievance of the petitioner is that instead of following the Circular dated 09.03.2018 and its subsequent Circular dated 21.01.2019 issued by the respondents in respect of declaring the petitioner medically unfit for discharging his duties and considering the case of the dependants of the petitioner for appointment on compassionate grounds, the respondents are insisting the petitioner to give an undertaking to the effect that on his medical invalidation, he will not claim any employment to their dependants, which is contrary to the above said Circulars dated 09.03.2018 and 21.01.2019 issued by the respondents.

The learned Standing Counsel for the respondents – Company submits that the case of the petitioner will be considered strictly in terms of the Circulars dated 09.03.2018 and 21.01.2019 issued by the respondents and no undertaking would be insisted while considering the case of the petitioner for referring him to the Medical Board as to whether the petitioner is medically fit or unfit for continuing in the employment.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to strictly follow the Circulars dated 09.03.2018 and 21.01.2019 issued by the respondents without insisting for any undertaking from the petitioner while considering his case for referring him to the Medical Board with regard to his medical fitness for continuing in the employment.

With the above observations, this writ petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI,J

Date: 01.04.2019
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