

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NOs.14754 & 26452 OF 2019

COMMON ORDER:

These two writ petitions are being disposed of by way of this common order as the issue raised in these two writ petitions is one and the same.

In these writ petitions, the petitioners are challenging the findings of the Medical Board.

The petitioners were subjected to medical examination by the respondents during December, 2018 and the counsel for the petitioners contended that appropriate orders be passed in these writ petitions directing the respondents to re-examine the cases of the petitioners and consider the same as per the medical report.

Standing Counsel appearing for the respondents had contended that as per the circular dated 07.04.2015, the cases of the employees cannot be referred to the Medical Board before expiry of one year from the date of first medical examination, and admittedly in these cases, one year period would complete by December, 2019. However, the cases of the petitioners would be considered after expiry of one year from the date of first medical examination, provided the petitioners submit appropriate application seeking re-medical examination.

This Court, having considered the rival submissions of learned counsel for respective parties, is of the considered view that these writ

petitions can be disposed of directing the petitioners to submit fresh application after expiry of one year from the date of first medical examination. Upon such applications being received, the respondents shall consider the cases of the petitioners and refer them to the Medical Board for re-medical examination within a reasonable period of time and pass orders accordingly thereafter.

With the above observations, these writ petitions are disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

29th November, 2019
v v

