

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17575 OF 2019

ORDER:

This writ petition is filed for a Writ of Mandamus declaring the action of respondent No.3 in not forwarding the application dated 17.06.2019 of the petitioner for medical check up, to the 4th respondent-Medical Board as per the Circular vide Ref.No.CRP /PER/IR/C/081/139, dated 21.01.2019, issued by the 2nd respondent, as arbitrary and illegal and sought for a consequential direction to respondent No.3 to refer the petitioner to the 4th respondent for medical check up as per the petitioner's application dated 17.06.2019.

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 21.01.2019 issued by the 2nd respondent 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 Circular dated 21.01.2019 issued by the 2nd respondent.

The learned Standing Counsel for the respondents – Company submits that the case of the petitioner will be considered strictly in terms of the Circular dated 21.01.2019 issued by the 2nd respondent 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 Circular dated 21.01.2019 issued by the 2nd respondent 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: 19.08.2019
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