

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos.17766 and 17783 of 2019

COMMON ORDER:

Since the issue raised in these writ petitions is one and the same, they are heard together and being disposed of by way of a common order.

The petitioners in these writ petitions are 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 petitioners under the Mines Act, 1952 and its Rules 1955, as arbitrary and illegal, and consequently sought a direction to declare that the petitioners are entitled for all the Statutory benefits under the Mines Act and the Rules made thereunder.

The petitioners in these writ petitions are employees 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 petitioners in these writ petitions 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 petitioners medically unfit for discharging their duties and considering the cases of the dependants of the petitioners for appointment on compassionate grounds, the respondents are insisting the petitioners to give an undertaking to the effect that on their medical invalidation, they 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 cases of the petitioners 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 cases of the petitioners for referring them to the Medical Board as to whether the petitioners are 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 these writ petitions 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 petitioners while considering their cases for referring them to the Medical Board with regard to their medical fitness for continuing in the employment.

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

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

August 20, 2019
DSK

ABHINAND KUMAR SHAVILI, J