

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18229 OF 2019

ORDER:

This writ petition is filed for the following relief:

“.....Writ of Mandamus declaring the action of the respondents in not sending the petitioner for medical examination by Corporate Medical Board as per the application submitted by the petitioner on 09.04.2018 through proper channel, even though the respondent Nos.6 forwarded the application of the petitioner along with necessary documents to the respondent No.5, as illegal, arbitrary, abuse of process of law, violation of principles of natural justice and contrary to the circulars issued by the respondents and consequently direct the respondents to send the petitioner for medical examination by the corporate medical board by considering the application submitted by the petitioner in the interest of justice and pass such other order.....”

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 the respondents are not referring him to Corporate Medical Board for medical examination by considering his application dated 09.04.2018 in terms of the Circular dated 09.03.2018 and its subsequent Circular dated 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: 21.08.2019
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