

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.19339 OF 2019

Date: 19.09.2019

Between:

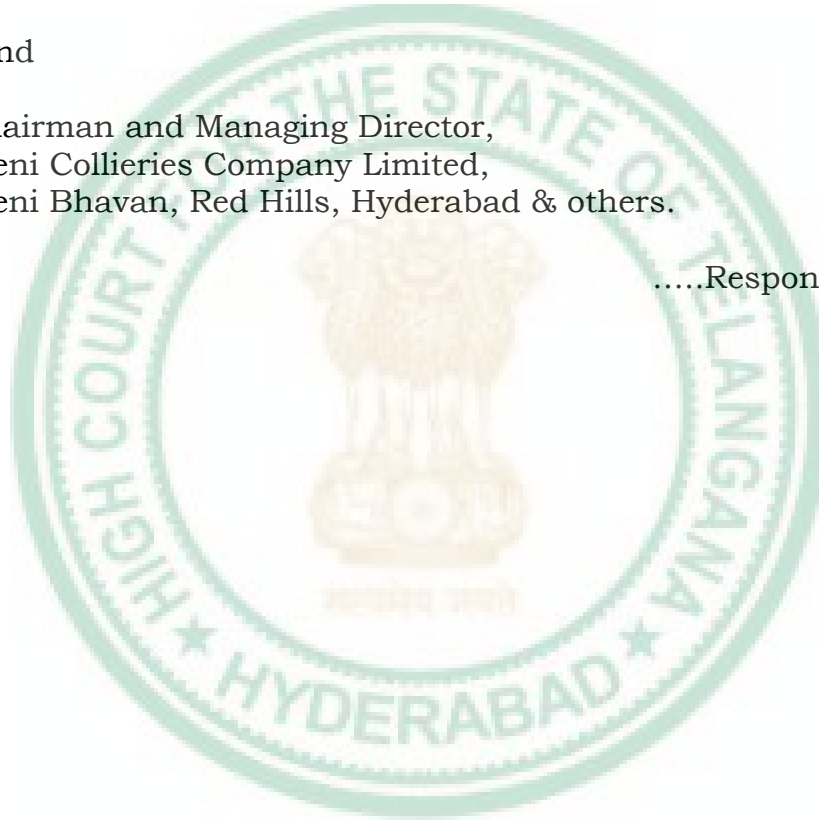
Mamidi Rajaiah S/o.Komuraiah,
E.C.No.1199250,
Aged about 59 yrs, Occu : Ex-General Mazdoor,
Ramagundam-II Area,
Mine VKP (GDK-9 Incline),
Singareni Collieries Company Limited,
R/o.H.No.11-52/A, Kalvasrirampur,
Srirampur Mandal, Adilabad District.

.....Petitioner

And

The Chairman and Managing Director,
Singareni Collieries Company Limited,
Singareni Bhavan, Red Hills, Hyderabad & others.

.....Respondents



The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.19339 OF 2019

ORDER:

Heard learned counsel for the petitioner and Sri J. Srinivasa Rao, learned standing counsel for Singareni Collieries Company Limited (SCCL).

2. This writ petition is filed praying to grant the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring that the acts, deeds and things of the respondents in issuing the office Memorandum No.CRP/PER/IR/C/081/1102 dated 17.05.2013 by not providing the dependent employment to the petitioner’s family on age ground is illegal, arbitrary, violative of principles of natural justice and against the Mines Act, 1952 and its Rules 1955 and consequently direct the respondents to provide dependent employment to the petitioner son along with statutory benefits under Mines Act, 1952 and its Rules, 1955 and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case...”

3. According to learned counsel for the petitioner, petitioner case falls under Clause (i) of 9.4.0 of the National Coal Wage Agreement and in terms thereof, he is entitled to dependent employment, but the respondent – SCCL wrongly applied Clause (ii) and therefore he seeks declaration against not providing dependent employment to his son as illegal and arbitrary.

4. Learned counsel for the petitioner placed reliance on the decision of this Court in W.P.Nos.44170 of 2016 and batch, dated 30.07.2019, whereunder direction was issued to forward all the medical invalidation certificates to the competent Medical Board so as to decide as to whether the petitioners/employees fall within

Clause (i) or (ii) of 9.4.0 of National Coal Wage Agreement and after reassessing/re-categorizing the employees, the respondents should accordingly act in terms of the National Coal Wage Agreement – VI and to pass appropriate orders.

5. In view of the earlier order in W.P.Nos.44170 of 2016 and batch, dated 30.07.2019, this Writ Petition is also disposed of directing the respondent – SCCL to forward the medical invalidation certificate of the petitioner to the competent Medical Board so as to decide whether the petitioner falls within Clause (i) or (ii) of 9.4.0 of the National Coal Wage Agreement and after re-assessing/re-categorizing the employee, the respondent – SCCL shall accordingly act in terms of the National Coal Wage Agreement – VI and pass appropriate orders within three months from the date of receipt of a copy of this order. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

19th September, 2019
Rds