

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18956 OF 2019

Date:30.08.2019

Between:

P. Mallaiah, S/o. P. Pichaiah,
Aged about 58 years, Occ: Support Man
or Mazdoor, EC No.454819, PVK – 5 Incline,
Kothagudem Area, Singareni Collaries
Company Limited, Telangana State .. Petitioner

And

The Chairman and Managing Director,
Singareni Collieries Company Limited,
Singareni Bhavan, Read Hills,
Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.18956 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 and Reference No.KGM/PER/56/2420 dated 04.06.2019 by not providing the suitable dependent employment to the petitioner's son on medical and health ground is illegal, arbitrary, unjust, unfair, unreasonable, perverse, mockery, unlawful and unconstitutional and against to Articles 14, 16, 19 and 21 of the Constitution of India and also principles of natural justice and against the Mines Act, 1952 and its Rules 1955 and consequently direct the respondents to provide the suitable dependent employment to the petitioner's 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, his 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 30.06.2019, 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 30.06.2019, 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

Date:30.08.2019

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