

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.27383 of 2018

ORDER:

This Writ Petition is filed seeking the following relief:

“... to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus or any other appropriate writ (i) to declare the proceedings Order Ref.No.CRP/PER/IR/I/305/1825, dated 8-8-2012 in declaring the Petitioner as unfit for the post of Badli Coal Filler is illegal, arbitrary and unjust and consequently set aside the same; and (ii) direct the Respondents to refer the writ petitioner before the Medical Appellate Board for conducting re-medical examination for consideration of the case of the Petitioner for appointment to the post of Badli Filler Surface with all consequential benefits on par with Sri Banoth Sakru and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

Heard Smt.Udaya Sri, learned counsel for the petitioner, and Sri J.Srinivasa Rao, learned Standing Counsel appearing for the respondent-Company. With their consent, this Writ Petition is being disposed of at the stage of admission itself.

Learned counsel for the petitioner would submit that the petitioner was dismissed from service and challenging the dismissal order, the petitioner filed L.C.I.D.No.51 of 2016 before the Labour Court-cum-Industrial Tribunal, Hyderabad. However, vide Award dated 20.01.2012 the matter was settled before the Lok Adalat wherein it was resolved that the case of the petitioner be considered for fresh appointment without any previous benefits subject to his medical fitness. Thereafter, the petitioner was subjected to medical examination by the Medical Board of the respondent-

Company where he was declared unfit on 08.08.2012. Challenging the same, the present Writ Petition is filed.

Learned counsel would further contend that the petitioner had submitted a representation to refer his case to Apex Medical Board, Dhanbad, in terms of Rule 29J of The Mines Rules, 1955 (for short 'the Rules') but the respondents are not passing any orders on the said representation. Thus, he would request that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner.

Learned Standing Counsel appearing for the respondent would contend that the petitioner may be directed to file a fresh representation seeking to refer his case to Apex Medical Board, Dhanbad, and the same would be examined and appropriate orders would be passed thereon in accordance with the Rules.

Having considered the rival contentions, this Writ Petition is disposed of directing the petitioner to submit a fresh representation to the respondents seeking to refer his case to the Apex Medical Board, Dhanbad, in terms of Rule 29J of the Rules, within a period of two weeks from the date of receipt of a copy of this order, and upon such representation being received, the respondents shall consider and pass appropriate orders in accordance with law.

As a sequel, miscellaneous petitions pending in this writ petition, if any, shall stand closed. No costs.

ABHINAND KUMAR SHAVILI, J

26.04.2019.
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