

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CONTEMPT CASE No.2434 of 2018

ORDER:

This Contempt Case is filed alleging violation of orders passed by this Court in WP.No.6247 of 2018, dated 20-03-2018, which reads as under:

“ Since, the petitioner in the present case, without making any proper representation to the competent authority of the respondent-Company, for referring his case to the medical board for declaring him as medically unfit on the ground that he is suffering from ailment of epilepsy, straight away approached this Court for declaring the action of the respondent-Company, as illegal and violative of Mines Act, 1952 and the Rules made there under; I am of the considered opinion that the writ petition cannot be entertained, as the respondents have no opportunity at the first instance, to consider the claim of the petitioner in accordance with law. Hence the writ petition is dismissed.

However, it is open for the petitioner to approach the competent authority and make necessary application and it is for the said authority to consider and dispose of the same in accordance with law, within a reasonable time.”

Sri J.Srinivas Rao, learned Standing Counsel for respondent-Company submits that in pursuance of the orders passed by this Court, the respondents have disposed of the application of the petitioner on 09-01-2019 and issued orders to that effect, as such there is no violation of orders passed by this Court.

When the matter was listed on 29-03-2019, a copy of said order was also served to the counsel for the petitioner and he took time for getting instructions. To day also, learned counsel for the petitioner says that even after retirement, employees can be

referred to Medical Board for medical examination. This Court cannot go into the said aspect in the contempt case.

In view of the same, I do not see any violation of orders passed by this Court.

Accordingly, the contempt case is closed granting liberty to the petitioner to challenge the order dated 09-01-2019 in accordance with law. As a sequel to the disposal of this case, miscellaneous applications, if any, pending shall stand closed.

04-04-2019

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A.RAJASHEKER REDDY,J



