

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.41978 of 2018

ORDER

This Writ Petition is filed seeking the following relief:

to issue a writ or order or direction especially one in the nature of Writ of Mandamus (i) declare the action of the 2nd respondent in declaring the petitioner as fit on Surface as General Mazdoor during the examination conducted on 18-07-2018 as illegal and arbitrary (ii) consequently direct the respondents to refer the petitioner to the Corporate Medical Board afresh to examine his fitness in view of ailments being suffered by him, more specifically, low vision and giddiness/seizures in addition to other ailments (iii) and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Heard Sri K.Vasudeva Reddy, learned counsel appearing for the petitioner, and learned Standing Counsel appearing for the respondents.

It is the case of the petitioner that he is working as a Coal Cutter in the respondent-Company. Since he is suffering from various ailments, he requested the respondent-Company to refer his case to the Corporate Medical Board to examine his fitness for continuing in service. Accordingly, he was subjected to medical examination on 18.7.2018 and declared as fit for surface

duties as General Mazdoor and unfit for underground duties. The grievance of the petitioner is that though he is suffering from severe health problems, the Corporate Medical Board has not taken the same into consideration, and declared him fit for surface duties. After lapse of one year, he submitted a representation dated 31.7.2018 to the respondents to refer his case to the Corporate Medical Board for re-examination since he is suffering from various ailments, and he is not in a position to continue in service. But, so far, no orders have been passed thereon.

Learned counsel appearing for the petitioner submits that the respondents be directed to consider the representation of the petitioner dated 31.07.2018 and pass appropriate orders in accordance with law.

Learned Standing Counsel appearing for the respondents submits that the respondents would consider and pass appropriate orders on the representation of the petitioner dated 31.07.2018.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be disposed of directing the respondents to consider the representation of the petitioner dated 31.07.2018 and pass

appropriate orders thereon, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

5th August, 2019
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