

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1407/2018.

Sachin Vijayrao Sayankar.

-VERSUS-

Western Coalfields Limited and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri K.V. Bhoskar, Advocate for the Petitioner.

Shri O.A. Ghare, Advocate for Respondents.

CORAM : A.S. CHANDURKAR
& VINAY JOSHI, JJ.

DATE : FEBRUARY 17, 2020.

Heard.

2. The petitioner in this Writ Petition has challenged a communication dated 15.04.2017, by which he has been found medically unfit pursuant to examination by the Manjri Area Hospital. The petitioner then approached the Apex Medical Board and he was informed on 02.06.2017, that he was found medically unfit. These two communications are under challenge in the present Writ Petition.

3. On behalf of respondents a preliminary

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objection is raised that under Rule 29-J of the Mines Rules, 1955, a further remedy of approaching the Appellate Medical Board is available.

4. Considering the fact that adjudication of the present proceedings would involve examining the correctness of the medical fitness reports of the petitioner, and as an efficacious remedy is available to the petitioner to seek redressal of his grievances, we are inclined to permit the petitioner to avail that remedy.

5. Accordingly with liberty to petitioner to approach the Appellate Medical Board under Rule 29-J of the Mines Rules, 1955, within a period of four weeks from today, the Writ Petition is disposed of. No costs.

6. If the petitioner approaches the said Board accordingly, his claim be considered on its own merit expeditiously. All points raised in the petition are kept open.

JUDGE

JUDGE

Rgd.