

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4725 OF 2020

DATE : 03.03.2020

Between :

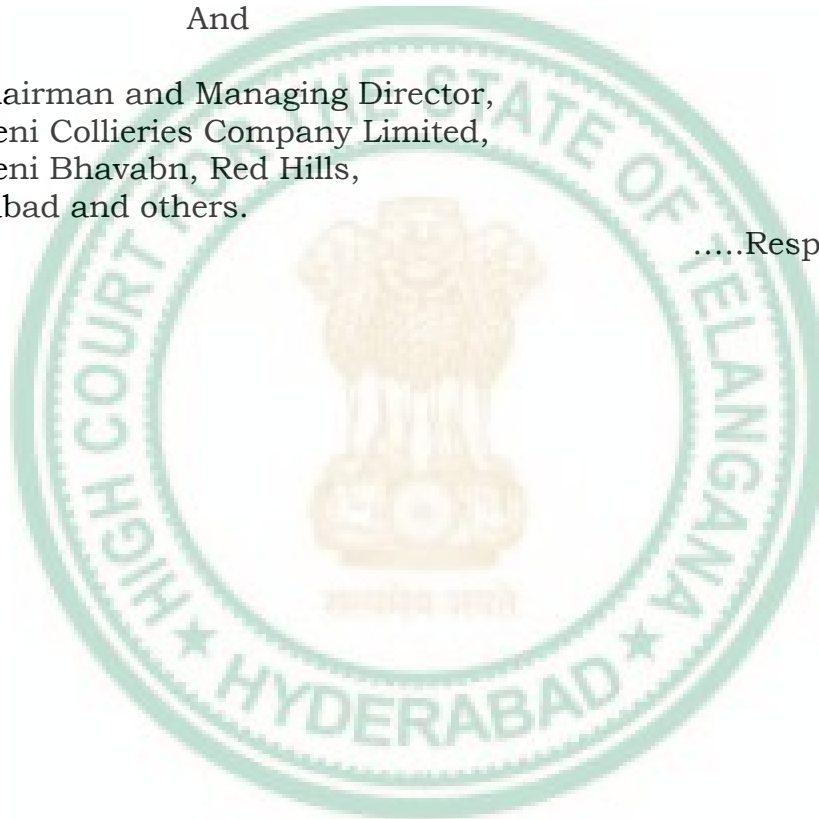
D.Nageswar Rao, s/o. Veeraswamy,
Aged 59 years, occu: EP Operator,
(EMP-Code 480234), PKOC,
Manuguru Area, Bhadradi Kothagudem
District.

..... Petitioner

And

The Chairman and Managing Director,
Singareni Collieries Company Limited,
Singareni Bhavabn, Red Hills,
Hyderabad and others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Petitioner filed this writ petition praying to grant the following relief:

“to issue a writ, order or direction and more particularly one in the nature of writ of Mandamus declaring the orders passed by the 4th respondent vide Ref.No.MNG/PER/CMB/03/2208, dated 03.10.2019 in not providing dependent employment to the son of the petitioner in terms of the dependent employment scheme and offering to pay 5 lakhs subject to giving an undertaking that the petitioner will not claim dependent employment, even though the corporate medical board declared the petitioner as unfit for further service as illegal, arbitrary, abuse of process of law, violation of principles of natural justice and contrary to the dependent employment scheme as per National Coal Wage Agreement and set aside the orders of the 4th respondent vide Ref.No.MNG/PER/CMB/03/2208, dated 03.10.2019 insofar as holding that the petitioner is not eligible for dependent employment and offering lump sum payment of 5 lakhs subject to giving an undertaking that the petitioner will not claim dependent employment by further directing the respondents to provide dependent employment to the son of the petitioner in terms of dependent employment scheme of National Coal Wage Agreement in view of declaration made by the corporate medical board that the petitioner is unfit for further service, will all consequential benefits and pass such other order or orders as this Hon’ble may deem fit and proper in the circumstances of the case.”

2. When the matter is taken up for consideration, learned counsel for petitioner as well as learned standing counsel submit that subject matter is covered by the decision of this Court in W.P.No.44170 of 2016 and batch, dated 30.07.2019. The operative portion of the said order reads as under:

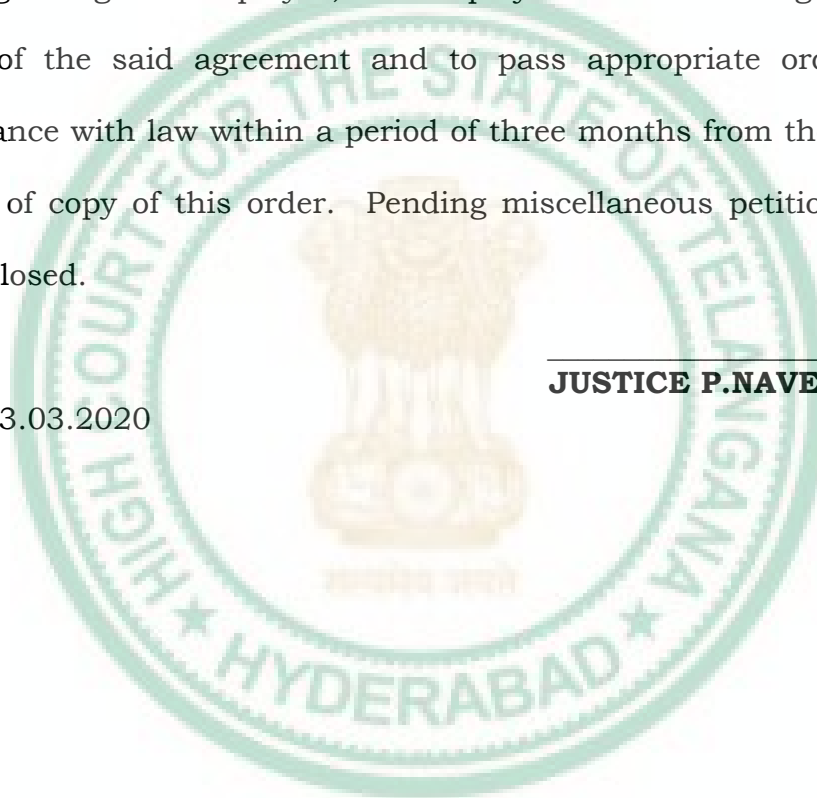
“Having considered the rival submissions made by the learned counsel on either side, these Writ Petition are disposed of directing the respondents to once again forward all the medical invalidation certificates to the competent Medical Board so as to decide as to whether the petitioners/employees fall within Clause (i) or (ii) of 9.4.0 and after re-assessing/re-categorizing the

employees, the respondents shall accordingly act in terms of the National Coal Wage Agreement-VI and pass appropriate orders in accordance with law. The entire exercise should be completed within three months from the date of receipt of a copy of this order. No costs.”

3. In terms thereof, Writ Petition is disposed of, directing the respondents to once again forward the medical invalidation certificate of the petitioner to the competent Medical Board so as to decide as to whether the petitioner falls within Clause (i) or (ii) of 9.4.0 of the National Coal Wage Agreement-VI and after re-assessing/re-categorizing the employee, the employer shall accordingly act in terms of the said agreement and to pass appropriate orders in accordance with law within a period of three months from the date of receipt of copy of this order. Pending miscellaneous petitions shall stand closed.

Date: 03.03.2020
kkm

JUSTICE P.NAVEEN RAO



HONOURABLE SRI JUSTICE P.NAVEEN RAO



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