

HIGH COURT FOR THE STATE OF TELANGANA: AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 4415 OF 2020

Between:

Pettam Shanker, S/o. Bheemanna, Aged about 60 years, Occ. EX. Explosive Carrier, EC.No.02023761, DORLI OCP-I BPA, Bellampally Area, Singareni Collieries Company Limited (SCCL), R/o. H.No. 6-71, Thangallapalli, Thandur Mandal, Kistampet, Adilabad District.

...PETITIONER

AND

1. The Union of India, Ministry of Coal, Rep. by its Principal Secretary, No. Rajpath Area, Central Secretariat, New Delhi, Delhi-110001.
2. The Joint Bipartite Committee for the Coal Industry, Kolkata, Rep. by its Prl. Secretary, Under National Coal Wages Agreement, No. Coal Bhavan, New Town, Rajarhat, Kolkata, West Bengal-700156.
3. The Coal Mines Provident Fund Organization, Rep. by its Commissioner, Police Line, Dhanbad, Jharkhand-826001.
4. The Medical Council of India, Rep. by its President, No. Dada Dev Mandir Road Dwarka Phase -1, Pocket 14, Sector 8 Dwarka, New Delhi-110077.
5. The Singareni Collieries Company Limited, Rep. by its Chairman and Managing Director, Singareni Bhavan, Red Hills, Hyderabad.
6. The Director (PA & W), The Singareni Collieries Company Limited (SCCL), Kothagudem, Khammam District.
7. The General Manager (Personnel), Welfare and CSR, The Singareni Collieries Company Limited (SCCL), Welfare Wing, Corporate Personnel Department, Singareni Bhavan, Hyderabad.
8. The General Manager, Bellampally Area, The Singareni Collieries Company Limited (SCCL), Bellampally, Adilabad District.
9. The Medical Board, The Singareni Collieries Company Limited (SCCL), Kothagudem, Khammam District, Rep. by the Chief Medical Officer.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or direction, more particularly one in the nature of Writ of Mandamus, declaring that the Minutes of the Medical Board dated 03/12/2019, issued by the 9th Respondent-Medical Board of the 5th Respondent-Company, communicated vide Proceedings in Ref. No. MMR/PER/L/062/19/8897, dated 20/12/2019 of the 8th Respondent, in so far as stating that the petitioner disables to perform his duties regularly and efficiently, having regard to the nature of disability he was suffering and categorized under Clause No. (ii) of 9.4.0 of National Coal Wage Agreement-VI, as illegal, arbitrary, contrary to the earlier certificate under Form-REF-4 issued under the

Coal Mines Provident Fund Scheme, 1963, contrary to the policy under the Mines Act, 1952 and its Rules, 1955, violative of the National Coal Wages Agreement, violative of principles of natural justice and violative of Articles 14, 16 and 21 of the Constitution of India and unconstitutional, and set aside the same, by holding that the petitioner is medically invalidated under Clause (i) of NCWA-VI of 9.4.0 of the 2nd respondent by providing employment to the petitioner's son in the 5th Respondent-Company as per clause (i) of 9.4.0 and further to pay all the statutory benefits under the Mines Act, 1952 and its Rules, 1955 with all consequential benefits.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents 5 to 8, to include the name of the petitioner's son in the live rolls of the 5th Respondent-Company for providing employment to the petitioner's son, pending disposal of the above Writ Petition.

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents 5 to 8, to pay all the statutory benefits like gratuity and other terminal benefits, inclusive of Coal Mines Provident Fund to the petitioner under the Mines Act, 1952, pending disposal of the above writ petition.

IA NO: 3 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 5th Respondent-Company to send all the Medical Certificates of the 9th Respondent - Medical Board in respect of the petitioner herein to the 2nd respondent for adjudicating whether the case of the petitioner falls under category (i) or (ii) of 9.4.0 of NCWA-VI, pending disposal of the above writ petition.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the petitioner to amend and substitute cause title in respect of the 2nd respondent as "The Joint Bipartite Committee for the Coal Industry, Kolkatta, Rep. by its Member Secretary, Under National Coal Wages Agreement, # Coal Bhavan, New Town, Rajarhat, Kolkata, West Bengal-700156, instead of the Joint Bipartite Committee for the Coal Industry, Kolkatta, Rep. by its Pri. Secretary, Under National Coal Wages Agreement, # Coal Bhavan, New Town, Rajarhat, Kolkata, West Bengal-700156".

Counsel for the Petitioner: SRI Ch. VENKAT RAMAN

Counsel for the Respondent Nos.1 to 3: SRI K.ARVIND KUMAR

Counsel for the Respondent No.4: Smt.G.POOJITHA, SC

Counsel for the Respondent Nos.5 to 9: ADDL.ADVOCATE GENERAL on behalf of SRI J.SREENIVASA RAO, SC for Singhereni Collieries

The Court made the following: ORDER

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.4415 of 2020

ORDER:

When the matter is taken up for hearing, learned counsel on either side fairly conceded that the issue involved in this writ petition is squarely covered by the order dated 07.12.2021 passed by this Court in W.P.No.5455 of 2020.

Following the order dated 07.12.2021 in W.P.No.5455 of 2020, and for reasons alike, this Writ Petition is also disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Union of India, Ministry of Labour, Rajpath Area, Central Secretariat, New Delhi, Delhi-110001.
2. The Pr. Secretary, Joint Bipartite Committee for the Coal Industry, Kolkata: Under National Coal Wages Agreement, Coal Bhavan, New Town, Rajarhat, Kolkata, West Bengal-700150.
3. The Commissioner, Coal Mines Provident Fund Organization, Police Line, Dhanbad, Jharkhand-826001.
4. The President, Medical Council of India, Dada Dev Mandir Road Dwarka, Phase - 1, Pocket 14, Sector 8 Dwarka, New Delhi-110077.
5. The Chairman and Managing Director, Singareni Collieries Company Limited, Singareni Bhavan, Red Hills, Hyderabad.
6. The Director (PA & W), The Singareni Collieries Company Limited (SCCL), Kothagudem, Khammam District.
7. The General Manager (Personnel), Welfare and CSR, Singareni Collieries Company Limited (SCCL), Welfare Wing, Corporate Personnel Department, Singareni Bhavan, Hyderabad.
8. The General Manager, Srirampur Area, The Singareni Collieries Company Limited (SCCL), Srirampur, Adilabad District.
9. The Chief Medical Officer, Medical Board, The Singareni Collieries Company Limited (SCCL), Kothagudem, Khammam District.
10. One CC to SRI Ch.VENKAT RAMAN, Advocate [OPUC]
11. One CC to SRI K.ARVIND KUMAR, Advocate [OPUC]
12. One CC to Smt.G.POOJITHA, SC [OPUC]
13. One CC to SRI J.SREENIVASA RAO, SC for Singareni Collieries [OPUC]
14. Two C.D. Copies.
15. One Spare Copy.

MRC
TR

HIGH COURT

DATED:31/12/2021

ORDER

WP.No.4415 of 2020



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

AM 16
2/2/2022