

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

**TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 25005 OF 2021

Between:

Chinthala Madanaiah, S/o Rayamallu, Aged about 60 years, General Mazdoor at OCP-I Incline, Singareni Collieries Company Limited, RG-III Area, Godavarikhani, Peddapalli District.

...PETITIONER

AND

1. The Singareni Collieries Company Limited, Rep. by its Chairman and Managing Director, Kothagudem, Bhadradi Kothagudem District
2. The General Manager (Personnel), RC, IR and PM, Singareni Collieries Company Limited, Kothagudem, Bhadradi Kothagudem District.
3. The Deputy General Manager, OCP-I, Singareni Collieries Company Limited, RG-III Area, Godavarikhani, Peddapalli District.
4. The Chief Medical Officer, Main Hospital, Singareni Collieries Company Limited, Kothagudem, Bhadradi Kothagudem District.

...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 a writ or order or direction, especially one in the nature of Writ of Mandamus

- i) declare the action of the respondents in not referring the petitioner to the Medical Board, as illegal and arbitrary
- ii) consequently direct the respondents to refer the petitioner to the Corporate Medical Board and assess his fitness

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 direct the respondents to refer the petitioner to the Corporate Medical Board to assess his fitness, forthwith, pending disposal of the above writ petition

Counsel for the Petitioner: SRI. K VASUDEVA REDDY

Counsel for the Respondents: SRI. J SREENIVASA RAO, SC FOR SINGARENI C

The Court made the following:

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.25005 of 2021

ORDER:

The petitioner claims that he was initially appointed as Badli Filler in the respondent No.1/company. He was converted as General Mazdoor. On account of hazardous working conditions, the petitioner suffered from several ailments including severe knee pains and defective hearing. Due to such ailments, the petitioner was not able to perform his duties. He took treatment in the respondent - company hospital. He was referred to private hospitals for better treatment but to no avail. He requested the respondents to refer him to corporate medical board in the month of September 2014 to examine his fitness. However, despite lapse of more than six years, the petitioner did not receive any communication from the respondents and he was not referred to corporate medical board.

2. It is stated that the respondent No.1/company constituted corporate medical board to evaluate the health condition and fitness of the employees to continue in service. The authorities of the respondent No.1/company are well aware of the health condition of the petitioner. The petitioner claims that due to continuous medication, he could not recover from his illness. Hence, he is entitled to be referred to medical board to evaluate his fitness.

3. The relief sought for in the writ petition is to refer the petitioner to the medical board to assess his fitness forthwith.

4. Heard Mr. K. Vasudeva Reddy, learned counsel for the petitioner and Mr. J. Sreenivas Rao, learned standing counsel for Singareni Collieries.

5. Learned standing counsel submitted that the petitioner retired on attaining the age of superannuation and by suppressing the same, the petitioner has approached this Court seeking relief to refer him to corporate medical board. There is no relevant material filed along with the writ petition. He also relied on the orders passed by this Court in WP.No.1567 of 2019 dated 30.01.2019 and WP.No.13606 of 2019 dated 30.08.2019, whereunder request of similarly placed employees were rejected.

6. Even assuming that the petitioner has requested the respondents to refer him to corporate medical board in the year 2014, on his own volition he retired from service on attaining the age of superannuation. It is obvious as an after thought, the petitioner has now approached this Court with unclean hands in order to claim certain benefits provided by the company to the employees declared unfit, such as, dependant employment etc.

7. The petitioner, who had retired on attaining the age of superannuation, does not have any right whatsoever to seek a direction to refer him to medical board. The petitioner should have taken necessary steps before accepting retirement on attaining the age of superannuation. If the petitioner had grievance that he should have been retired on medical grounds but not on attainment of age of superannuation, such objection should have been raised at appropriate time before his retirement. Having retired in the year 2017, on attaining the age of superannuation, the petitioner has now come before this Court seeking a direction to refer him to medical board, which is totally misconceived. In the aforesaid orders this Court has categorically held that since the petitioners therein had retired from service on attaining the age of superannuation, no relief can be

granted to undergo medical re-examination and the writ petitions were dismissed.

The writ petition is misconceived and accordingly dismissed. Pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/-R.KARTHIKEYAN
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to Sri. K Vasudeva Reddy, Advocate [OPUC]
2. One CC to Sri. J Sreenivasa Rao, SC for Singareni C [OPUC]
3. Two CD Copies.
4. One Spare Copy.

PM

HIGH COURT

DATED:05/10/2021



ORDER

WP.No.25005 of 2021

Dismissing the WP
Without costs.

ATM (5)
11/11/2021