

HONOURABLE SRI JUSTICE E.V.VENUGOPAL

WRIT PETITION No.42071 of 2022

ORDER:

1. This writ petition is filed under Article 226 of Constitution of India seeking the following relief:

to issue a Writ Order or Direction more particularly a Writ of Mandamus declaring the orders passed by the 4th respondent vide proceedings Ref.No.BHP/KTK 5/W.744/N/2021/4201, dated 05.08.2021 in rejecting the case of the petitioner no.2 for dependent employment in view of the retirement of the petitioner no 1 on medical invalidation by the proceedings of the 3rd respondent vide Ref.No. BHP/PER/20/621, dated 04.02.2021 on the sole ground that the petitioners have not submitted the registered adoption deed along with the application and not reconsidering the case of the petitioner no.2 for dependent employment in view of submitting the said document subsequently as illegal arbitrary abuse of process of law violation of principles of natural justice and contrary to rules and set aside the orders passed by the 4th respondent vide proceedings Ref.No.BHP/KTK 5/W.744/N/2021/4201 dated 05.08.2021 by further directing the respondents to reconsider the case of the petitioner for dependent employment in view of submitting the relevant documents in the interest of justice and pass such other order or orders as this Hon'ble Court made deem fit and proper in the circumstances of the case.

2. Mr.S.Surender Reddy, learned counsel for the petitioners contends that the petitioner No.1 submitted an application to the respondents requesting the authorities to consider his case for medical invalidation and requested to appoint petitioner No.2/petitioner No.1's son on under dependent employment and further submits that considering his application, the Corporate Medical Board

examined the petitioner No.1 in the hospital of Singareni Collieries, Kothagudem on 06.01.2021 and found that the petitioner No.1 is medically unfit to perform his duties. Accordingly, the Corporate Medical Board issued the medical certificate declaring the petitioner No.1 as medically invalidated.

3. Learned counsel for the petitioners further submits that the 3rd respondent by proceedings dated 04.02.2021 terminated him from the services of the company basing on the medical certificate issued by the medical board and the petitioner No.1 approached the respondents and submitted a representation to consider the case of the petitioner No.2 for dependent employment and the respondents rejected his case vide proceedings dated 05.08.2021.

4. On the other hand, the learned counsel for the respondents submits that in the absence of required documents that are to be enclosed with the application, which are required by the respondent company, the respondent authorities have not considered his case and

further submits that if the relevant documents are submitted then the respondent company will consider the case of the petitioner in accordance with law.

5. During the course of submissions, the learned counsel for the writ petitioners submits that fresh representation will be filed to the respondents for consideration enclosing all the relevant documents which are required as per the requirements and requests to consider their case in accordance with law.

6. In view of the above submissions this court is inclined to direct the petitioners to submit an appropriate detailed representation enclosing all the documents which are required to the respondent No.2 within two (2) weeks from the date of receipt of a copy of this order and accordingly the respondents are directed to consider the application of the petitioners within four (4) weeks, strictly in accordance with law.

7. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

8. Miscellaneous petitions, if any, pending in this writ petition, shall also stand disposed.

Dated: 22.11.2022
Chs/Vsl

JUSTICE E.V.VENUGOPAL

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W.P.No.42071 of 2022

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CHS/VSL