

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

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION NO: 29090 OF 2018

Between:

Revelli Ramana Chary, S/o Lingalah E.C. No. 02765630, Aged about 59 years,
Occ.Coal Cutter, RK-8 Incline,Srirampur Area, Singareni Collieries Company
Limited, R/o 581-2, Indaram, Jaipur, Adilabad District..

...PETITIONER

AND

1. The Chairman and Managing Director, Singareni Collieries Company Limited, Singareni Bhavan, Read Hills, Hyderabad. ;
2. The Director (PA and W), the Singareni Collieries Company Limited (SCCL), Kothagudem, Kamman District.
3. The General Manager (Personnel), Welfare and CSR, the Singareni Collieries Company Limited (SCCL), Welfare Wing, Corporate Personnel Department, Singareni Bhavan, Hyderabad.
4. The Corporate Medical Board, Rep., by its Chief Medical Officer, the Singareni Collieries Company Limited (SCCL), Kothaguem, Bhadadri 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, order or direction and more particularly one in the nature of writ of Mandamus declaring that the acts, deeds and things of the Respondents in not referring the Petitioner to the 4th Respondent for Medical Examination is illegal, arbitrary and violative of rights guaranteed by the Constitution of India,

against to the Mines Act 1952 and its Rules 1955 and National Coal Wages Agreement (NCWA).

IA NO: 1 OF 2018

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 conduct Medical Examination on the Petitioner, pending disposal of the omit petition in the interest of justice.

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 Registry of this Honble Court to post W.P. No. 29090 of 2018, as the same is covered in terms of the order passed by this Honble Court in W.P. No. 15025 of 2020, dated 8.9.2020, in the interest of justice.

Counsel for the Petitioner: SRI. CH VENKAT RAMAN

Counsel for the Respondents: P SRI HARSHA REDDY (SC FOR SINGARENI COLLIERIES CO.LTD)

The Court made the following: ORDER

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION No.29090 OF 2018

ORDER:

Mr. Ch. Venkat Raman, learned counsel for the petitioner.

Mr. P.Harsha Reddy, learned Standing Counsel for the respondents.

2. This writ petition is filed seeking the following relief:

"to issue a writ order or direction and more particularly one in the nature of Writ of Mandamus declaring that the acts deeds and things of the Respondents in not referring the Petitioner to the 4th Respondent for Medical Examination is illegal, arbitrary and violative of rights guaranteed by the Constitution of India against to the Mines Act, 1952 and its Rules, 1955 and National Coal Wages Agreement (NCWA) and to pass such other order or orders may deem fit and proper in the circumstances of the case."

3. Learned counsel appearing on behalf of the respondents submitted that the subject matter/issue involved in the present writ petition is identical to the

subject matter/issue in W.P.No.40351 of 2018 & batch, that by common order dated 19.12.2023, this Court disposed of the writ petition.

4. For reasons alike, as stated in the common order, dated 19.12.2023, in W.P.No.40351 of 2018 & batch and in terms thereof, this Writ Petition is accordingly disposed of. No order as to costs.

Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.

//TRUE COPY//

SD/-V.KAVITHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Chairman and Managing Director, Singareni Collieries Company Limited, Singareni Bhavan, Read Hills, Hyderabad. At Telangana.
2. The Director (PA and W), the Singareni Collieries Company Limited (SCCL), Kothagudem, Kammam District. At Telangana.
3. The General Manager (Personnel), Welfare and CSR, the Singareni Collieries Company Limited (SCCL), Welfare Wing, Corporate Personnel Department, Singareni Bhavan, Hyderabad. At Telangana.
4. The Corporate Medical Board, Rep., by its Chief Medical Officer, The Singareni Collieries Company Limited (SCCL), Kothagudem, Bhadradi Kothagudem District, At Telangana.
5. One CC to SRI. CH VENKAT RAMAN Advocate [OPUC]
6. One CC to SRI. P SRI HARSHA REDDY (SC FOR SINGARENI COLLIERIES CO.LTD) Advocate [OPUC]
7. Two CD Copies
8. One Spare Copy.
9. Annex Copy of Common Order, Dated 19-12-2023, WP 40351 of 2018 and batch).

GMN
MR

HIGH COURT

DATED: 29/12/2023



ORDER

WP.No.29090 of 2018

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

10
MMA
MMA

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION Nos. 40351, 40801, 40830, 40868, 40873, 41247, 42132, 42435, 42684, 42728, 42769, 42770, 42776, 42777, 42785, 42808, 42860, 43127, 43146, 43240, 43332, 43336, 43363, 43434, 44020, 44022, 44568, 46595, 46680, 46773, 46805, 46826, 46966, 47468, 47498, 47568, 47574, 47650, 47682, 47691, 47857, 47868, 48009, 40689, 46647 and 39908 of 2018

COMMON ORDER:

In this batch of writ petitions the issue is common, hence are being disposed of by a common order. Facts in writ petition No.40351 of 2018 are being considered. Prayer in 40351 of 2018 is as follows:

"to issue writ or direction more particularly one in the nature more particularly of writ of Mandamus declaring the action of the respondents in issuing the circular vide reference No.CRP/PER/IR/C/081/1622, dated 17.10.2011 in restricting the age of the petitioner to refer to the 4th respondent Medical Board as illegal arbitrary and consequently direct the respondents to refer the petitioner to the 4th respondent Medical Board and declared as unfit for the service of the respondent company as per Mines Act, 1952 and its rules 1955 and pass such other order or orders may deem fit and proper in the circumstances of the case."

2. Mr. Ch.Venkat Raman, learned counsel for the petitioner, and Mr. P.Sri Harsha Reddy, learned Standing counsel for the Singareni Collieries Company Limited (hereinafter referred to as 'SCCL.') for respondents.

3. Brief facts:

Petitioners are all employees in Singareni Collieries they were being treated in different hospitals (including area hospital at Karimnagar District) for various ailments such as cardiac problems, eye problems and other health related issues. Certain guidelines were issued by the Singareni Collieries Company Limited (SCCL) vide Circular No.CRP/PER/IR/C/081/1622, dated 17.10.2011 regarding medical examination of the employees by the Corporate Medical Board. The main issue, which arises for consideration, is with respect to Clause I of Circular, dated 17.10.2011, which is as follows:

"the applications of the employees who are having less than 2 years of left over service as on date of putting up the application shall not be forwarded by the Mine/Department itself."

3.1. In this batch, petitioners are aggrieved by Clause I of Circular, dated 17.10.2011 imposing a condition in restricting such of those employees having less than 2 years of left over service being referred to Corporate Medical Board as on date of putting up application. It is the grievance of

petitioners that this condition is illegal, arbitrary and consequently be directed to be referred to Corporate Medical Board.

3.2. In all these writ petitions, interim directions were issued. One such interim direction in I.A.No.01 of 2018 in W.P.No.47846 of 2018 is as follows:

"Prima facie, clause (1) of the Circular dated 17.10.2011 issued by the Singareni Collieries Company Limited (SCCL) refusing to forward applications of employees who have less than two (2) years of left over service to the Corporate Medical Board violates Article 21 of the Constitution of India.

Therefore, the said Circular to that extent shall stand suspended.

There shall be interim direction as prayed for."

3.3. Pursuant to interim directions, writ petitioners were subjected to medical examination and proceedings were issued by the Corporate Medical Board, that after medical examination, benefits due, to the petitioners were paid.

3.4. It is trite to take note of the fact that a circular dated 21.01.2019 was issued vide No.CRP/PER/IR/C/081/139, deleting Clause I of the earlier Circular, dated 17.10.2011. In Circular dated 21.01.2019, it was stated that employees who completed 58 years of age and found medically unfit

were entitled for benefit(s) as per their eligibility in accordance with the Office Memorandum dated 17.05.2013, *vide* No.CRP/PER/IR/C/081/1102. Challenge in all these writ petitions is to Clause I of Circular, dated 17.10.2011.

4. Learned counsels made submissions as per the averments in affidavit of W.P.No.40351 of 2018.

5. Learned counsel for the petitioners has submitted that all the petitioners are employees of Singareni Collieries Limited and are aggrieved by the restriction imposed vide circular dated 17.10.2011 and such restriction is illegal and arbitrary. The learned counsel relied on a judgment in W.A.No.1080 of 2017 and batch, dated 06.09.2017 and contended that the facts in the said case(s) are similar to the facts in the instant case and submitted that similar directions be issued. Learned counsel further relied on judgment in W.A.No.477 of 2013 for the proposition that the petitioners be referred to the Medical Board as directed by the Hon'ble Court in W.A.No.477 of 2013. Reliance is also placed on the order of a learned Single Judge in W.P.No.29477 of 2023 for the proposition that petitioners be

examined by the Appellate Medical Board. It was further contended that SCCL has medical records of all the petitioners, hence, no physical examination is required. It is submitted that SCCL can always examine the records and arrive at the conclusion whether the petitioners are medically fit or not. It is further contended that law is dynamic in nature and has to suit evolving needs and requirements of the society and that in the present case facts need to be properly appreciated and relief be granted as prayed for.

5.1. It is submitted by learned counsel that petitioners were suffering with various ailments such as Cardiac and other problems, for past few years, were being treated in various hospitals, including area hospital, Karimnagar. It is submitted that they made applications to refer their cases to the Corporate Medical Board, to avail voluntary retirement as per Circular issued in year 2016. It is contended that after issuance of Circular dated 17.10.2011, making applications for voluntary retirement was declared as illegal. It is further submitted that the respondents have knowledge about the

health issues/problems of the petitioners and were not referring their cases to Medical Board.

5.2. It is submitted that Circular dated 17.10.2011 is against Mines Act, 1952 and Mines Rules, 1955, and that imposing conditions restricting for referring the cases to Medical Board is bad in law and that the right of employee to be examined by the Medical Board is taken away by the Circular. It is submitted that Mines Act is a welfare Act and the same has not been appreciated by the SCCL before issuance of the Circular.

6. Learned Standing Counsel for the respondents supported the circular issued by SCCL. It is submitted that pursuant to interim directions, Medical Examination was conducted for all the employees and appropriate proceedings were issued by Corporate Medical Board. It is further submitted that subsequent to interim directions, another Circular was issued by the SCCL *vide* No.CRP/PER/IR/C/081/139, dated 21.01.2019, deleting Clause I of the earlier Circular and that employees, who were medically unfit were entitled for benefits as per eligibility

prescribed in Office Memorandum No.CRP/PER/IR/C/081/1102, dated 17.05.2013. It is also submitted that in view of the subsequent developments and withdrawal of Clause I of circular, dated 17.10.2011, no cause survives for adjudication and hence, all these writ petitions are liable to be dismissed.

6.1. It is further contended by learned counsel for respondents that in similar matters, this Court passed final orders in a number of writ petitions and same orders be passed. It is contended that any deviation from such earlier orders have to be based on demonstration of new set of facts and circumstances, which are not forthcoming in this batch of writ petitions. Hence, the contention of the petitioners counsel is not tenable as no new grounds have been put forth.

7. Heard learned counsels, perused the record, Circulars issued and orders passed by learned Single Judge in W.P.No.41016 of 2018 and batch.

8. It is pertinent to note that reliance placed by learned counsel for petitioners on the order of the Division Bench in Writ Appeal No.1080 of 2017, dated 06.09.2017 is misconceived. The Division Bench was dealing with an issue with regards to the certificates of fitness issued by the Doctors of SCCL and that such certificates were biased and that an opportunity must be given to the employees to undergo medical examination even though not entitled to such re-examination under Rule 29-J of the Mines Rules, 1955. This order does not come to the rescue of the writ petitioners.

8.1. Reliance placed on the order(s) in Writ Appeal No.477 of 2013, dated 17.06.2013 and W.P.No.29477 of 2023 are misconceived. As the facts in the said cases are not similar to the facts in the instant case and hence not applicable.

9. In this batch of writ petitions, the issue is similar to the issue considered in W.P.No.41016 of 2018 and batch and a learned Single Judge of this Court passed orders on 04.02.2020, this Court is not inclined to take a different view. The learned Single Judge passed the following order:

"4. While so, Circular No.CRP/PER/IR/C/081/139, dated 21.01.2019, was issued deleting clause (i) of the Circular, dated 17.10.2011. In the said circular, it is also stated that the employees who have completed 58 years of age and who are found to be medically unfit are entitled to the benefit as per their eligibility in accordance with Office Memorandum No.CRP/PER/IR/C/081/1102, dated 17.05.2013. A request has to be made by all those employees to subject them for medical examination.

5. In view of the subsequent developments, withdrawing clause (i) of the Circular dated 17.10.2011, the prayer sought in the writ petitions is already granted by the respondent - company.

6. Learned counsel for the petitioners submits that pursuant to the interim orders, all the petitioners were subjected to medical examination and in view thereof, the cause in the writ petitions does not survive for adjudication.

7. Recording the said submission, the Writ Petitions are dismissed. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed."

10. It is agreed by the learned counsels appearing on behalf of petitioners and respondent organisation that, if any of the petitioners in the batch of writ petitions were not subjected to medical examination, such of those petitioners reserve the right to approach the proper Court/Forum to seek directions and liberty is granted to such of those petitioners. In view of the statement made before this Court by the counsels, order(s) passed in W.P.No.41016 of 2018 and batch are modified to the extent of granting liberty to

only such of those petitioners, who were not subjected to medical examination to take recourse as per liberty granted. For all other petitioners in this batch of writ petitions, the order(s) dated 04.02.2020 passed by the learned Single Judge in W.P.No.41016 of 2018 and batch, is applicable, as the facts are similar to the present batch of writ petitions. This Court is not inclined to differ from the view taken as in the order in W.P.No.41016 of 2018 and batch, dated 04.02.2020.

11. With the aforesaid observations, the Writ Petitions are disposed of. There shall be no order as to costs.

Miscellaneous applications, pending if any, shall stand closed.

ANIL KUMAR JUKANTI, J

Date: 19.12.2023

Plp

Note: A copy of order in
W.P.No.41016 of 2018 & Batch
be annexed to this order.

10
K. A.
B.