

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND**

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

**WRIT APPEAL Nos.39, 40, 282, 307, 309, 310, 311, 312,
313, 469, 470, 475, 476, 479, 484, 488, 489, 490, 491,
492, 495, 614, 620, 621, 622, 633, 637, 641, 642, 646, 647,
648, 653, 664, 666, 672, 675, 676, 681, 686, 697, 706, 709,
711, 712, 713, 714, 715, 716, 717, 728, 736, 737, 738, 743,
756, 757, 772, 783, 894, 895, 897, 898, 926, 927, 928, 930,
1163, 1164, 1165, 1167, 1168, 1169, 1171, 1172, 1182,
1310, 1311, 1312, 1413, 1414, 1415, 1448, 1504 and 1506
of 2025**

DATE: 02.03.2026

W.A.No.39 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Madurakavi Kistaiah and another.

....Respondents

W.A.No.40 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Konda Ramulu and another.

....Respondents

W.A.No.282 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Pendyala Rayamallu and another.

....Respondents

W.A.No.307 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Janne pochaiah and another.

....Respondents

W.A.No.309 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Mekala Rajeswar Rao and another.

....Respondents

W.A.No.310 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Kolkipongu Chinni and another.

....Respondents

W.A.No.311 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Gumasa Shankar and another.

....Respondents

W.A.No.312 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Immidichetty Chandraiah and another.

....Respondents

W.A.No.313 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Yasam Shenkaraiah and another.

....Respondents

W.A.No.469 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Kalavala Lachaiah and another.

....Respondents

W.A.No.470 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Doddilla Madanaiah and another.

....Respondents

W.A.No.475 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Dongala Mallaiah and another.

....Respondents

W.A.No.476 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

G.Kanakaiah and another.

....Respondents

W.A.No.479 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

G.Sadashivam and another.

....Respondents

W.A.No.484 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Mamidi Rajaiah and another.

....Respondents

W.A.No.488 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Ponnam Rayamallu and another.

....Respondents

W.A.No.489 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Namasani Narsaiah and another.

....Respondents

W.A.No.490 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Paranandi Ramaiah and another.

....Respondents

W.A.No.491 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Atla Mallaiah and another.

....Respondents

W.A.No.492 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Gandu Poshamallu and another.

....Respondents

W.A.No.495 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Vemulawada Laxman and another.

....Respondents

W.A.No.614 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Sri Devasani Sailu and another.

....Respondents

W.A.No.620 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Kanthala Mohan Reddy and another.

....Respondents

W.A.No.621 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Byram Mallaiah and another.

....Respondents

W.A.No.622 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Pittala Rajaiah and another.

....Respondents

W.A.No.633 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Sadala Pentaiah and another.

....Respondents

W.A.No.637 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Late Boina Kanakaiah and another.

....Respondents

W.A.No.641 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Mogili Rajamallu and another.

....Respondents

W.A.No.642 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Suramalla Ratnaiah and another.

....Respondents

W.A.No.646 of 2025

Between:

The Singareni Collieries Company Limited and another.

....Appellants

And

Thotla Jayanna and another.

....Respondents

W.A.No.647 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Nannavena Saraiah and another.

....Respondents

W.A.No.648 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Embadi Lingaiah and another.

....Respondents

W.A.No.653 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Chekka Lingaiah and another.

....Respondents

W.A.No.664 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Maraboina Komuraiah and another.

....Respondents

W.A.No.666 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Kummari Kistaiah and another.

....Respondents

W.A.No.672 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Rontala Gangaram and another.

....Respondents

W.A.No.675 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Ch.Rajaiah and another.

....Respondents

W.A.No.676 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Chintakindi Sheshagiri and another.

....Respondents

W.A.No.681 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Palle Rajaiah and another.

....Respondents

W.A.No.686 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Gotte Rajaiah and another.

....Respondents

W.A.No.697 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Suramalla Chinnaiah and another.

....Respondents

W.A.No.706 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Ankarn Sammaiah and another.

....Respondents

W.A.No.709 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Nagunuri Saraiah and another.

....Respondents

W.A.No.711 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Gunti Iylaiah and another.

....Respondents

W.A.No.712 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Mutyam Devaiah and another.

....Respondents

W.A.No.713 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Saga Mallaiah and another.

....Respondents

W.A.No.714 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Chippakurthi Mallaiah and another.

....Respondents

W.A.No.715 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Bomma Guruvaiah and another.

....Respondents

W.A.No.716 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Minumula Ramchander and another.

....Respondents

W.A.No.717 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Madineni Posham and another.

....Respondents

W.A.No.728 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Katla Rajaiah and another.

....Respondents

W.A.No.736 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Md.Vazeer and another.

....Respondents

W.A.No.737 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Durgam Gangaram and another.

....Respondents

W.A.No.738 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Otla Jeeva Ratnam and another.

....Respondents

W.A.No.743 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Shaik Gulam Rasool and another.

....Respondents

W.A.No.756 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Karengula Rajaiah and another.

....Respondents

W.A.No.757 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Liyakath Ali Khan and another.

....Respondents

W.A.No.772 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Ellavelli Satyanarayana and another.

....Respondents

W.A.No.783 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Kandula Venkatanarayana and another.

....Respondents

W.A.No.894 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Pudery Shanker and another.

....Respondents

W.A.No.895 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Gopi Nagabhushanam and another.

....Respondents

W.A.No.897 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Manga Satyanarayana and another.

....Respondents

W.A.No.898 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Komaragiri Ananthaiah and another.

....Respondents

W.A.No.926 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Verukonda Satyanarayana and another.

....Respondents

W.A.No.927 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Kampally Durgaiah and another.

....Respondents

W.A.No.928 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Dunde Rajaiah and another.

....Respondents

W.A.No.930 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Madipoju Sreenu and another.

....Respondents

W.A.No.1163 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Adepu Rajesham and another.

....Respondents

W.A.No.1164 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Basaboina Rayalingu and another.

....Respondents

W.A.No.1165 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Devasani Krishna and another.

....Respondents

W.A.No.1167 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Marikilla Kanakaiah and another.

....Respondents

W.A.No.1168 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Kekerla Veerasham and another.

....Respondents

W.A.No.1169 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Syed Isaque and another.

....Respondents

W.A.No.1171 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Talari Ravi Kumar and another.

....Respondents

W.A.No.1172 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Gosika Laxmaiah and another.

....Respondents

W.A.No.1182 of 2025

Between:

The Singareni Collieries Company Limited and 2 others.

....Appellants

And

Bathula Nagaraju and another.

....Respondents

W.A.No.1310 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Lambadi Ramdas and another.

....Respondents

W.A.No.1311 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Gundala Chandram and another.

....Respondents

W.A.No.1312 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Payam Sooraiah and another.

....Respondents

W.A.No.1413 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Hazam Ramdas and another.

....Respondents

W.A.No.1414 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Teejavathi Hatiram and another.

....Respondents

W.A.No.1415 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Mamidi Mallaiah and another.

....Respondents

W.A.No.1448 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Madapa Ella Reddy and another.

....Respondents

W.A.No.1504 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

Khatam Shankaraiah and another.

....Respondents

W.A.No.1506 of 2025

Between:

The Singareni Collieries Company Limited and 3 others.

....Appellants

And

B.R.William Moses and another.

....Respondents

COMMON JUDGMENT

Since the issues that arise in the above writ appeals are integrally one and the same, the writ appeals are being disposed of by this Common Judgment.

2. These Writ Appeals are directed against the common judgment dated 30.08.2024 passed in W.P.No.18922 of 2023 and batch by the learned Single Judge, wherein the learned Single Judge has directed reconsideration of the medical categorization of the writ petitioners under Clause 9.4.0 of the National Coal Wage

Agreement–VI (NCWA–VI), by referring the matter back to Gandhi Medical Hospital, Secunderabad.

3. Heard Sri E.Madan Mohan Rao, learned Senior Counsel representing Sri P.Sri Harsha Reddy, learned Standing Counsel for Singareni Collieries Company Limited, and Sri S.Rahul Reddy, learned Special Government Pleader attached to the office of the learned Additional Advocate General, appearing for the appellants; Sri L.Ravichander, learned Senior Counsel representing Sri Ch.Venkat Raman, learned counsel for the respondent/writ petitioner in W.A.No.40 of 2025 and batch except in W.A.No.39 of 2025; Sri P.S.Rajasekhar, learned counsel representing Sri Ch.Venkat Raman, learned counsel for the respondents/writ petitioners in W.A.No.39 of 2025 and perused the record.

Factual matrix (in brief)

4. The respondents herein are workmen of the Singareni Collieries Company Limited (SCCL), a Government Company under the administrative control of the Ministry of Coal, Government of India. During the course of their long service in mining operations, both underground and surface, these workmen were declared medically unfit on account of various ailments and disabilities. Consequent upon such medical invalidation, they sought the benefit of dependent employment under Clause 9.4.0 of NCWA-VI.

5. The NCWA–VI, a bipartite settlement binding under Section 12(3) of the Industrial Disputes Act, 1947 (for short ‘1947 Act’), provides under Clause 9.4.0 for employment to one dependent of a worker who is permanently disabled in his place. The clause draws a distinction between:

- i) permanent disablement arising from injury or disease resulting in loss of employment; and
- ii) disablement arising out of “general physical debility,” subject to the condition that the employee is up to 58 years of age.

6. The controversy centers around the categorization of the respondents under Clause 9.4.0(i) or Clause 9.4.0(ii). The respondents contend that their medical conditions constitute permanent disabilities falling under Clause 9.4.0(i), thereby entitling their dependents to employment irrespective of age or residual service. The appellant-Company, on the other hand, categorized the majority of the employees under Clause 9.4.0(ii), treating their conditions as cases of “general physical debility.” Since most of them were above 58 years of age or had less than two years of residual service, they were offered monetary compensation in lieu of dependent employment.

Earlier Round of Litigation

7. In W.P.No.44170 of 2016 and batch, by order dated 30.07.2019, this Court directed the appellant-Company to forward the medical invalidation certificates to the competent Medical Board for re-assessment and categorization under Clause 9.4.0(i) or (ii).

8. Pursuant thereto, the Corporate Medical Board (CMB) of SCCL reassessed the cases and placed all the employees under Clause 9.4.0(ii). Notably, none of the employees was categorized under Clause 9.4.0(i).

9. Challenging such uniform categorization, 127 employees approached this Court in W.P.No.2611 of 2020 and batch. By order dated 07.12.2021, the learned Single Judge directed reference of the cases to an independent Medical Board at Gandhi Medical Hospital, Secunderabad, observing that the fact that not even a single employee was placed under Clause (i) raised legitimate doubt.

10. The appellant-Company carried the matter in appeal in W.A.No.388 of 2022. By judgment dated 13.09.2022, the Division Bench affirmed the order directing independent medical assessment.

11. In compliance, Gandhi Medical Hospital constituted an independent Medical Board, comprising specialists from various disciplines. The Board examined the cases of 127 employees and submitted its proceedings dated 03.07.2023. Wherein, out of 127 cases, only six employees were categorized under Clause 9.4.0(i), while the remaining 121 were placed under Clause 9.4.0(ii).

12. Aggrieved by such categorization, 103 employees filed fresh writ petitions, leading to the impugned common order dated 30.08.2024. The learned Single Judge, upon examining certain individual cases, including that of a petitioner who had suffered amputation of the right leg above knee level and had been certified with 94% disability, formed the view that cases involving clear and “permanent disability” ought not to have been categorized as “general physical debility.” The matter was accordingly remitted once again to Gandhi Medical Hospital for re-visiting the categorization.

Subsequent developments during pendency of appeals

13. Para 9.4.0 of NCWA-VI, which is relevant for consideration, is extracted hereunder:

“9.4.0 Employment to one dependant of a worker who is permanently disabled in his place

(i) The disablement of the worker concerned should arise from injury or disease, be of a permanent nature resulting into loss of employment and it should be so certified by the Coal Company concerned.

(ii) In case of disablement arising out of general physical debility so certified by the Coal Company, the employee concerned will be eligible for the benefit under this clause if he/she is up to the age of 58 years.

The term 'general physical debility' would mean deficiency of a workman due to any disease or other health reason leading to his/her disablement to perform his/her duties regularly and/or efficiently.

(iii) The dependent for this purpose means the wife/husband as the case may be unmarried daughter, son and legally adopted son. If no such direct dependent is available for employment, brother, widowed daughter/widowed daughter-in-law or son-in-law residing with the employee and almost wholly dependent on the earning of the employee may be considered.

In so far as female dependants are concerned, their employment would be governed by the provisions of clause 9.5.0.

(iv) The dependants to be considered for employment should be physically fit and suitable for employment and aged more than 35 years provided that in the age limit in case of employment of female spouse is concerned, there would be no age limit regarding provision of employment."

During the pendency of the present writ appeals, this Court noticed that under clause 9.4.0 of NCWA-VI extracted hereinabove, the certification whether an employee falls under clause (i) or clause (ii) of para 9.4.0 of NCWA-VI has to be made by the Coal Company concerned. However, instead of Coal Company undertaking the exercise on the basis of the assessment conducted by the independent Medical Board of Gandhi Medical Hospital, the Medical Board had categorized the employees under Clause (i) or Clause (ii) of Para 9.4.0 of NCWA-VI. This was not in consonance with the settlement arrived at between the management and workmen *vide* NCWA-VI under Section 18(3) of the Industrial

Disputes Act, 1947. This Court, therefore, felt that the same is not in conformity with Para 9.4.0 of NCWA-VI for the reason that the task of categorization of an employee for dependent employment on grounds of injury or disease of a permanent nature under Clause (i) or for other benefits such as monetary benefits under Clause (ii) on account of disablement arising out of general physical debility, is to be undertaken by the employer, who is in the best position to undertake such an exercise, instead of an independent Medical Board comprising the experts, who are unconnected with the organization and unaware of the nature of duties and responsibilities to be performed by such employees in the Coal Company. This Court felt that the medical expert can only render an opinion on the disablement of the workmen by injury or disease, or due to general physical debility on the basis of evaluation of their medical condition. They cannot be tasked to categorize any employee under Clause (i) or Clause (ii) of Para 9.4.0 of NCWA-VI, as that responsibility lies with the employer or the organization. The underlying grievance of the petitioners is based on their categorization by the Medical Board under Clause (i) or Clause (ii) of Para 9.4.0 of NCWA-VI. The writ petitioners did not explicitly question the assessment or opinion given by the Medical Board as to their general physical debility or injury or disease. The question whether such disability is of permanent nature, which would bring them under Clause (i) or Clause (ii) of Para 9.4.0 in

NCWA-VI is an exercise to be undertaken by the Coal Company as specifically mandated in the settlement between the management and the workmen. The circulars issued by the Management to undertake such exercise by the Corporate Medical Board had undergone change in the last ten years. The Court took note of the constitution of the Corporate Medical Board vide circular dated 07.04.2015 and the succeeding Office Memorandum dated 09.03.2018 as those would be material for issuance of appropriate direction upon the Coal Company to undertake the task of categorization. Taking into note the constitution of the Corporate Medical Board in the aforesaid circulars, this Court directed the appellant company to constitute a Corporate Medical Board comprising members of the Personnel Department *i.e.*, an officer from Mining Discipline, not below the rank of General Manager, to be nominated by Director (P,A&W); an officer from Personnel Department not below the rank of General Manager to be nominated by Director (P,A&W); one officer from MS Department *i.e.*, General Manager, MS; the Chief Medical Officer and one or two specialists to be nominated by the Director (P,A&W) in the same manner as in the Circular dated 07.04.2015. The Coal Company had not expressed any objection to constitute a more broad based committee for carrying out this exercise. This Court directed that the cases of all the writ petitioners for categorisation under clause (i) or clause (ii) of para 9.4.0 be considered by the above committee

on the basis of the opinion rendered by the independent Medical Board of Gandhi Medical Hospital vide its Report dated 28.01.2023 within a stipulated period.

14. In compliance, the Medical Board conducted detailed proceedings on 27.01.2026, 28.01.2026 and 31.01.2026, and submitted its consolidated report under Memo dated 04.02.2026. The said Memo reflects individual assessment of each employee with reference to the nature of ailment, percentage of disability (where assessed), and the resultant incapacity.

15. The material placed before this Court, particularly the proceedings culminating in the Memo dated 04.02.2026, indicates that while a substantial number of cases pertain to generalized age-related debility and multi-system decline, certain employees suffer from grave, identifiable, and permanent disabilities, such as amputation, severe neurological deficits, loss of vision, advanced cardiomyopathy, chronic renal failure requiring dialysis, and seizure disorders with structural brain pathology which, *prima facie*, appear to fall within the ambit of Clause 9.4.0(i).

16. It is in this backdrop that the present appeals are required to be adjudicated, balancing the sanctity of expert medical opinion with the statutory obligation to correctly apply the distinction embedded in Clause 9.4.0 of NCWA-VI, particularly in cases where the seriousness and permanence of disability are evident on record.

Submissions on behalf of the Appellants (SCCL)

17. Learned Standing Counsel appearing for the appellant-Company, advanced elaborate submissions assailing the impugned order dated 30.08.2024 as under:

- i) That the appellant is strictly governed by the provisions of the NCWA-VI and the implementation guidelines issued by the Joint Bipartite Committee for Coal Industry (JBCCI) and Coal India Limited. Being a signatory to the bipartite settlement under Section 12(3) of the 1947 Act, the Company is bound to implement Clause 9.4.0 in its true letter and spirit and cannot travel beyond its express stipulations.
- ii) That under Clause 9.4.0(ii), the benefit of dependent employment is available only if the employee is “upto the age of 58 years.” Admittedly, the respondents had crossed 58 years of age at the time of their medical examination. Thus, even assuming medical invalidation, they are ineligible for dependent employment.
- iii) That employees with less than 24 months of residual service are not entitled to dependent employment but may be granted lump sum compensation of Rs.5,00,000/- or wages for the balance period, whichever is less.

- iv) That most of the respondents had less than two years of service remaining at the time of medical invalidation. The Company, on humanitarian considerations, extended monetary benefits, though not mandatorily required under NCWA. Having accepted terminal benefits, the respondents cannot now claim dependent employment as of right.
- v) That the cases of the respondents have undergone three rounds of medical scrutiny:
 - a) By the CMB of SCCL (consisting of CMO and specialist doctors), which declared them unfit and placed them under Clause (ii).
 - b) Pursuant to this Court's order dated 30.07.2019 in W.P.No.44170 of 2016 and batch, the CMB re-examined and again placed them under Clause (ii).
 - c) Pursuant to this Court's order dated 07.12.2021 in W.P.No.2611 of 2020 and batch, the independent Medical Board of Gandhi Medical Hospital (15 specialist doctors) examined and placed 121 out of 127 under Clause (ii).
- vi) That the independent Board at Gandhi Medical Hospital comprised 15 specialists from various disciplines and categorized 121 out of 127 employees under Clause 9.4.0(ii). After three expert evaluations, the matter ought to attain finality.

- vii) That Clause (i) applies only where disablement arises from a specific injury or disease of a permanent nature resulting in total loss of employment. Clause (ii) applies to disablement arising out of “general physical debility.”
- viii) That though Madurakavi Kistaiah, had suffered amputation, the Medical Board opined that he could be considered for surface duties. Therefore, it was not a case of absolute unemployability attracting Clause (i).
- ix) That compassionate or dependent employment is not a matter of right. Prescription of age limits and eligibility criteria is within the policy domain and cannot be diluted merely because marginal hardship is caused.
- x) That all respondents have since retired upon attaining superannuation and their terminal benefits have been settled. Grant of dependent employment at this stage would disturb recruitment planning and prejudice eligible candidates in the open market.
- xi) That categorization under Clause 9.4.0(i) or (ii) is essentially a medical question. The Court ought not to substitute its own opinion for that of an expert Medical Board, particularly one constituted pursuant to judicial direction.

- xii) That repeated challenges to medical categorization would lead to unending litigation. The impugned order, directing yet another re-visit, is unsustainable in law and liable to be set aside.

Submissions on behalf of respondent No.1 (workmen)

18. Learned counsel appearing for respondent No.1, supported the impugned order and advanced the submissions as under:

- i) That NCWA-VI is a welfare-oriented bipartite settlement intended to provide social security to coal mine workers engaged in hazardous employment. Its provisions must receive a liberal and purposive interpretation.
- ii) That the entire controversy stems from a fundamental conflation of the terms “debility” and “disability.” Drawing upon accepted medical understanding, he submitted that the two expressions are conceptually and clinically distinct. According to him:
 - a) Debility denotes a generalized state of weakness or decline in physical or mental health, often age-related, gradual, and in certain cases manageable or reversible. It reflects a condition of diminished strength rather than a specific structural or functional impairment.

b) Disability, on the other hand, signifies a specific and identifiable impairment resulting from injury or disease, which substantially restricts an individual's ability to perform major life or occupational activities. Such disability is ordinarily permanent in character and traceable to a defined pathological cause.

It was thus urged that permanent, disease-specific or injury-specific impairments cannot be subsumed under the generic expression "general physical debility."

- iii) That the cases involving amputation, stroke with neurological deficit, seizure disorders, severe cardiac disease, chronic renal failure, loss of vision, and orthopaedic incapacities are instances of permanent disability arising from disease/injury and squarely fall under Clause 9.4.0(i).
- iv) That Clause (i) does not prescribe any age restriction. Once a case falls within Clause (i), the age of the employee or leftover service becomes wholly irrelevant.
- v) With specific reference to the petitioner who suffered amputation of the right leg above knee level and was certified with 94% permanent disability, it was argued that categorizing such a case under "general physical debility" defies logic and medical science; that if such a case does not

fall under Clause (i), the very object of the provision stands defeated.

- vi) That initially all 127 cases were placed under Clause (ii) by the Corporate Medical Board, and even the independent Board categorized 121 under Clause (ii). Given the varied nature of ailments, such uniformity raises legitimate doubt as to individualized assessment.
- vii) By referring to information obtained under the Right to Information Act, it was contended that:
 - i) Clear parameters distinguishing Clause (i) and (ii) were not disclosed;
 - ii) Certain members of the Board had previously been associated with SCCL as panel doctors;
 - iii) The responses were evasive.
- viii) That the impugned direction for re-visit is justified in order to ensure a fair and reasoned medical assessment.
- ix) That despite repeated judicial directions (orders dated 30.07.2019, 07.12.2021 and subsequent proceedings), the appellant has consistently resisted granting dependent employment, necessitating continued litigation.
- x) That arbitrary categorization violates Articles 14, 16 and 21 of the Constitution of India. Denial of dependent employment

in cases of grave and permanent disability defeats the social security intent underlying NCWA-VI.

19. We have taken note of the respective submissions urged and the material placed on record, including the proceedings of the Medical Board of Gandhi Medical Hospital dated 03.07.2023, as well as the earlier report dated 28.01.2023 referred to in the orders passed in W.A.No.39 of 2025. The report records that 127 employees were examined and categorised under Clause (i) or Clause (ii) of Paragraph 9.4.0 of NCWA-VI.

Consideration by this Court

20. In the present case, a careful reading of the report discloses that out of 127 cases, as many as 121 employees were placed under Clause (ii) “disablement arising out of general physical debility” and only 6 were placed under Clause (i) “permanent disablement arising from injury or disease”. The statistical outcome itself calls for close scrutiny, particularly when the diagnoses recorded include amputation, stroke with hemiparesis, cervical fusion with quadriparesis, glaucoma with optic atrophy, seizure disorders, and other grave conditions.

21. The definition of “general physical debility” in the settlement contemplates a deficiency of a workman due to any disease or other health reason leading to his/her disablement to perform duties regularly and/or efficiently. The expression “general” is

significant. It denotes a broad-based state of weakness or infirmity, not a specific, measurable, permanent impairment arising from an identifiable pathology.

22. It is to be noted that Clause (i), in contrast, expressly refers to disablement “arising from injury or disease” and “being of a permanent nature.” The textual distinction between the two clauses is deliberate. Both speak of “disablement,” but the cause and character of such disablement are distinct. Clause (i) addresses specific, permanent disabilities traceable to a defined injury or disease; Clause (ii) addresses disablement flowing from generalized debility.

23. In medical jurisprudence, “debility” signifies generalized weakness i.e., asthenia, age-related decline, or systemic diminution of strength which may be managed or ameliorated. “Disability,” on the other hand, refers to a defined impairment i.e., orthopaedic, neurological, cardiac, oncological, or ophthalmic, which is measurable, certifiable, and often irreversible.

24. The material extracted from the hospital proceedings demonstrates that some of the employees were suffering from conditions such as:

- a) Post-traumatic amputation with 94% certified disability;
- b) Stroke (CVA) with hemiparesis and seizure disorder;
- c) Cervical fusion with quadriparesis;

- d) Glaucomatous optic atrophy causing irreversible visual impairment.

These are not instances of generalized weakness. They are specific, identifiable, permanent disabilities arising from injury or disease. To classify such cases under “general physical debility” is to dilute the textual distinction consciously embedded in Clause (i) and Clause (ii).

25. A scrutiny of the medical opinion rendered by the Gandhi Medical Board and the opinion of the Committee in the following cases referred to in the Table indicate a complete non-application of mind to the nature of injury or disease which has resulted in disablement of permanent nature. If workmen suffer from such nature of injury or disease are still categorised under clause 9.4.0 (ii), it would amount to perversity and blurring off any distinction between the criteria defined in 9.4.0 (i) and (ii) to effectively deny the benefits of the social welfare scheme conceived under 9.4.0 of NCWA-VI.

S. No.	Name of Employee	Diagnosis (as recorded)	Findings of the Corporate Medical Board	Opinion
1	Madurakavi Kistaiah	Compound fracture with compartment syndrome; post-traumatic amputation (94% disability)	This was a case of compound fracture both bones upper one third right leg. Compound fracture means extensive soft tissue damage with bone and its fragments exposed. Patient might develop compartment	After taking into consideration of the independent Medical Board report dated 28.01.2023 of Gandhi Medical Hospital, the Committee is of the opinion that

			syndrome right leg. Compartment Syndrome is a condition that develops due to complication of fracture in which there will be excessive pressure build up in muscles resulting in neuro-vascular bundle damage which may cause damage to muscles and bones. This leads to requirement of fasciotomy which is an emergency surgery used to relieve pressure in the muscle compartments by incising fascia. Despite doing fasciotomy, there may be a condition where vascularity cannot be restored and necrosis may develop. In such case the loss may be permanent in nature. However, this disability can be corrected with the help of prosthesis and patient can be made ambulatory. Hence there was no loss of employment.	the disease of the ex-employee was treatable and not permanent in nature which did not result in loss of employment. Hence case is categorized under Clause 9.4.0(ii).
8	Kekerla Veerasham	14 months old post OP L3-L4-L5 pedicle screw and rod fixation, B/L L4 Rt. L5 facetectomy with L3-L4 laminectomy and posterior decompression (23.11.2017) Gr.IV OA Knee Left Gr.II Right with B/L PFA Cervical Spondylosis.	• He was operated with L3-L5 pedicle screw and rod fixation, Bilateral L4, Rt. L5 facetectomy with L3-L4 laminectomy and posterior decompression. This condition was already treated. • Gr.IV Osteo Arthritis Knee Lt. Gr.II Rt. With Bilateral Patello femoral Arthritis, Cervical Sypondylosis – this is an age related degenerative condition can be treated by	After taking into consideration of the independent Medical Board report dated 28.01.2023 of Gandhi Medical Hospital, the Committee is of the opinion that the disease of the ex-employee was treatable and not permanent in nature which did not result in loss of employment. Hence the case

			surgery. • There might be mild functional limitation due to spine surgery and Osteo Arthritis Knee but it does not result in loss of employment.	is categorized under Clause 9.4.0(ii).
16	Durgam Gangaram	Old CVA with hemiparesis; post-stroke seizures	• He was suffering with Cerebrovascular Accident which is a condition caused by decreased blood flow to brain treatable with Medical Management and Physiotherapy. • He was also suffering from disc bulge at C3-C4 and C6-C7 thecal compression which can be treated by Medical Management and Physiotherapy. • As the diseases are treatable and does not result in loss of employment.	After taking into consideration of the independent Medical Board report dated 28.01.2023 of Gandhi Medical Hospital, the Committee is of the opinion that the disablement of the ex-employee was treatable and not permanent in nature which did not result in loss of employment. Hence the case is categorized under Clause 9.4.0(ii).
24	Chenda Narayana	Both eyes glaucomatous optic atrophy	• He was suffering from defective vision both eyes due to glaucomatous optic atrophy. Glaucoma is a condition with irreversible, progressive optic nerve damage which is a multi factorial disease i.e. genetic, age related, hypertension Diabetes Mellitus, Heart disease, Smoking etc. In the initial stage of Glaucoma, the peripheral vision is usually affected sparing the central vision. Even in	After taking into consideration of the independent Medical Board report dated 28.01.2023 of Gandhi Medical Hospital, the Committee is of the opinion that the disease of the ex-employee was manageable and not permanent in nature which did not result in loss of employment. Hence the case is categorized under Clause 9.4.0(ii).

			advanced stage the central vision remains intact and it usually takes an average of 10-15 years before causing severe vision loss of blindness if left untreated. The disability of the above disease is of permanent nature but the progression can be slowed or halted with early diagnosis and treatment.	
32	Vasala Mogili	C5-C6 cervical fusion with recovering quadriplegia	• He was operated with C5-C6 Cervical fusion (2018) with recovering quadriplegia (right upper limb and lower limb weakness-power-4/5). • Patient was already operated with C5-C6 Cervical fusion. • There may be mild functional limitation due to quadriplegia (recovering) but it does not result in loss of employment.	After taking into consideration of the independent Medical Board report dated 28.01.2023 of Gandhi Medical Hospital, the Committee is of the opinion that the disease of the ex-employee was treatable and not permanent in nature which did not result in loss of employment. Hence the case is categorized under Clause 9.4.0(ii) .

26. The above illustrations indicate a pattern wherein specific and permanent disabilities have been subsumed under the omnibus category of “general physical debility.”

27. We also note that six cases were placed under Clause (i). The existence of these six cases demonstrates that the Board was aware of the distinction. However, the criteria applied for inclusion

in Clause (i), as opposed to Clause (ii), are not disclosed in the report. The absence of reasoning renders judicial review difficult.

28. It is a well-settled principle of law that this Court, in the exercise of its power of judicial review, does not sit as a Court of appeal over expert opinions, particularly in technical or medical matters. The wisdom and expertise of a duly constituted medical board are ordinarily entitled to great deference. However, this principle of judicial restraint is not absolute. It admits of exceptions where the decision-making process is found to be fundamentally flawed, unreasoned, or palpably arbitrary. Judicial review becomes not only permissible but imperative when the outcome of an expert process is so starkly at odds with the evident facts on record that it shocks the judicial conscience.

29. The Hon'ble Supreme Court in ***Veer Pal Singh v. Ministry of Defence***¹ has held as under:

10. Although, the courts are extremely loath to interfere with the opinion of the experts, there is nothing like exclusion of judicial review of the decision taken on the basis of such opinion. What needs to be emphasised is that the opinion of the experts deserves respect and not worship and the courts and other judicial/quasi-judicial forums entrusted with the task of deciding the disputes relating to premature release/discharge from the army cannot, in each and every case, refuse to examine the record of the Medical Board for determining whether or not the conclusion reached by it is legally sustainable.

(emphasis supplied)

¹ (2013) 8 SCC 83

30. In the present case the record of proceedings reveals repeated directions by this Court requiring objective reassessment by independent medical boards. Notwithstanding such directions, the near-uniform categorisation under Clause (ii) has persisted across assessments, despite the presence of catastrophic and demonstrably permanent disabilities. When a pattern of mechanical classification is evident, and when the gulf between the medical reality of a workman's condition and the label assigned to it is so wide, the Court cannot abdicate its Constitutional duty to uphold the rule of law and ensure that beneficial welfare provisions are not rendered illusory by unreasoned executive action. To hold otherwise would be to permit a patently erroneous classification to gain immunity merely by virtue of being stamped by an 'expert' body.

31. The record of proceedings reveals repeated directions by this Court requiring objective reassessment by independent medical boards.

32. Particularly, when this Court directed that the Committee act strictly on the basis of the report of Gandhi Medical Hospital dated 28.01.2023, the subsequent consideration appears to have drawn upon additional materials, contrary to the specific mandate, necessitating a direction for further assessment by the committee.

The final report of the Committee was submitted on 04.02.2026 is under judicial scrutiny.

33. The appellant-company has consistently invoked the age bar of 58 years and the condition of leftover service of less than two years. These factors are relevant only if the employee legitimately falls under Clause (ii). If the case falls under Clause (i), neither age nor leftover service operates as a disqualification. The sequencing adopted by the appellant by first categorising under Clause (ii), then invoking age/service bars, effectively defeats the scheme.

34. Further, Clause 9.4.0 of NCWA-VI is part of a bipartite settlement under the Industrial Disputes Act. Such settlements possess statutory force and must be implemented in their true spirit.

35. It is settled law that welfare measures must receive a beneficial construction. Social security provisions are intended to protect workmen who have suffered permanent incapacity during service. Any interpretative ambiguity must lean in favour of the beneficiary. Compassionate or dependent employment schemes, though not fundamental rights, confer enforceable entitlements when conditions are satisfied. Fairness and objectivity in classification are indispensable.

36. Before delving further into the merits, we must also take judicial notice of the human element that forms the silent bedrock

of this litigation. These appeals are not merely about the interpretation of a service clause; they are about the lives of men who spent their years in the dark and dusty depths of coal mines, a profession fraught with peril and known to consume the health of those who toil in it. The respondents are workmen who have given their prime to the nation's energy security, often at the cost of their own physical well-being. They now suffer from ailments that have, in many cases, robbed them of their mobility, their vision, or their fundamental bodily integrity. One workman, Mr. Madurakavi Kistaiah, has endured a traumatic amputation. Others live with the aftermath of paralytic strokes, advanced malignancies, or severe cardiac events.

37. At this juncture, the petitioners' quest for justice for their dependents has been an odyssey spanning nearly a decade, marked by multiple rounds of litigation and medical examinations, only to be met with consistent resistance and a seemingly pre-determined outcome. The mental anguish of fighting a prolonged legal battle, coupled with the physical pain of their disabilities, constitutes a form of suffering that cannot be quantified in monetary terms. It is this profound human tragedy that lends a sense of urgency and gravity to our consideration. The repeated failure to correctly categorize their conditions has prolonged their agony and frustrated the very purpose of the social security net

that the NCWA was intended to provide. The time for such protracted suffering to end is now.

38. This Court in ***Thummala Chandraiah v. The Singareni Collieries Company Limited***² has held as under:

An employer can expect better output from his employees only if he looks after their welfare. One stand out feature of public employment is safety of tenure and assured post retirement benefits. Normally, once a person secures public employment, he becomes the sole breadwinner of the family and all other family members depend on his earnings as a public servant. In an unforeseen event when breadwinner meets premature death or becomes seriously ill, the financial arrangement of the family goes haywire. As a responsible, concerned employer, it is his bounden duty to come to the rescue of such employee and/or his family members. Out of the concern/compassion to family of the employee, the concept of dependent employment has emerged. The employer formulates scheme of dependent employment. The primary objective of such scheme is to elevate (SIC alleviate) the suffering of family due to sudden death of employee or due to sickness, becoming unemployable. Under the scheme of dependent employment, employer extends helping hand to the family of deceased employee/employee suffering with serious, life threatening ailment, by providing employment to one of the family members.

39. It is to be noted that a significant factor contributing to the recurring disputes in this matter appears to be the composition and functioning of the initial assessment bodies. The process of determining an employee's categorization under Clause 9.4.0, while rooted in a medical diagnosis, has undeniable implications for his or her service and terminal benefits. It is a decision that sits at the intersection of medical expertise and administrative consequence.

² W.P.No.42417 of 2018 and batch dated 19.05.2020

40. It is apposite to note that the original scheme of the company, in its operation, failed to ensure a holistic and transparent assessment. While the medical board is rightly tasked with diagnosing the ailment, the final act of categorizing that ailment under Clause (i) or (ii) involves not just a clinical finding, but a legal and administrative determination that directly impacts the rights of the workmen and their families. To ensure fairness, objectivity, and a comprehensive understanding of the workman's overall condition and its impact on his employability, the assessment team must be multi-disciplinary in the truest sense.

41. In this regard, it is essential that in all future assessments, the committee responsible for final categorization includes, in addition to the core medical specialists, a representative from the Human Resources or Personnel Department, who can appreciate the service implications, and an officer from the operational side (such as mining), who can assess the physical demands of the job roles. Such a composition would not dilute the medical opinion but would enrich the context in which that opinion is applied, leading to a more robust, fair, and just outcome. This procedural safeguard is vital to prevent the mechanical and uniform application of Clause (ii) to a diverse range of medical conditions, a flaw that has been at the heart of this prolonged litigation.

42. It is to be noted that the categorisation under Clause (i) or Clause (ii) is, at its core, a medical determination. This Court lacks the expertise to substitute its opinion for that of specialists in orthopaedics, neurology, cardiology, oncology, ophthalmology, and allied fields.

43. However, where the findings of the Committee is bereft of reasoning and explanatory analysis and appears inconsistent with the statutory definition, the Court cannot remain a silent spectator. The report in question in the above instances show complete non-application of mind to the injury or disease with which the workman has been inflicted and which rendered him permanently disabled for being categorized under clause 9.4.0(i). In matters involving life-altering disabilities, such mechanical classification is unsatisfactory.

Conclusion

44. Upon an anxious consideration of the entire record, including the proceedings of the Medical Board of Gandhi Medical Hospital dated 28.01.2023 and 03.07.2023, the orders passed from time to time in W.A. No.39 of 2025 and connected matters, and the material extracted from the reports forming part of the record, we are of the considered opinion that the near-uniform classification of 121 out of 127 cases under Clause (ii), despite the presence of serious and demonstrably permanent disabilities, gives rise to a *prima facie* infirmity in the application of Para 9.4.0 of NCWA-VI.

The distinction between permanent disablement arising from injury or disease under Clause (i) and general physical debility under Clause (ii) is substantive and cannot be blurred without defeating the object of the settlement.

45. The appellant's reliance on age and residual service conditions, predicated upon a Clause (ii) classification, cannot be sustained where the foundational categorisation itself appears legally doubtful. While this Court does not substitute its opinion for that of medical experts, it cannot permit a mechanical or unreasoned exercise that undermines a beneficial welfare provision and in that view of the matter, this Court is of the opinion that the cases of workmen at serial Nos.1, 8, 16, 24 and 32 listed in the table at paragraph No.25 hereinabove are to be categorized as falling in Clause (i) of 9.4.0 of NCWA-VI.

46. The categorisation of remaining workmen under Clause 9.4.0 (ii) by the Committee does not suffer from unreasonableness or perversity calling for interference in judicial review by this Court.

47. Before parting, we must express our deep anguish at the state of affairs revealed by these proceedings. Coal miners work under hazardous conditions, often sacrificing their health and longevity. The NCWA, negotiated between management and trade unions, represents a hard-won social security measure for these workmen and their families. When a public sector undertaking

resists implementing such a measure through repeated litigation and non-compliance, it betrays the trust reposed in it by both the workmen and the community.

48. We close these matters with a sense of anguish, hoping that the employer/Coal Company henceforth renders a correct and just opinion based on the report of medical experts and the clear language of the NCWA and relevant considerations.

49. Considering the advanced age and precarious health of the workmen, who have endured a prolonged and arduous quest for justice, it is imperative that this litigation be brought to a quietus to ensure a definitive resolution.

50. With the above observations and by placing the workmen listed at para 25 hereinabove in Clause 9.4.0.(i) of NCWA, the Writ Appeals are disposed of. Monetary compensation paid, if any, to those workmen listed at para 25 shall be adjusted or recovered from the admissible post retirement dues, if any, in accordance with law. No order as to costs.

Consequently, miscellaneous petitions pending if any shall stand closed.

APARESH KUMAR SINGH, CJ

G.M. MOHIUDDIN, J

Date: 02.03.2026
ssp/szt