

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA
RAO

W.P.Nos.7274 OF 2001, 24396, 15123, 20115, 23009,
23007 of 2002, 15056, 18934, 15052 of 2003, 23727,
9857, 21445, 17398 and 15855 of 2004

COMMON ORDER:

All these writ petitions can be dealt with commonly as the issue raised in all these cases is one and the same.

These writ petitions have been filed on behalf of M/s. Singareni Collieries Company Limited, by its Officers (henceforth referred to as 'the SCCL'), challenging the correctness and validity of the respective Awards passed by the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad (for short 'the Tribunal'), in various industrial disputes raised by the individual workmen. All of these workmen are Badili Coal Fillers or E.P. Operators, as the case may be.

The Tribunal rendered Awards directing the SCCL – the petitioner, to appoint the respective workmen as temporary Badili Coal Fillers or E.P. Operators, as the case may be, afresh, provided they have put in a minimum of 190 muster rolls within three consecutive years. Subsequently, they were also asked to be made Badili Coal Fillers or E.P. Operators, as the case may be.

The main reason for the SCCL to have proceeded

against these workmen was the unauthorized absenteeism indulged in by them, being a process industry, wherefrom stiff production targets have got to be met. In view of the deadlines and commitments made by them for supply of coal to various consumers, absenteeism, particularly unauthorized-one, can hardly be tolerated. The schedule of the work gets upset apart from suffering qualitatively too. The stiff targets, which the SCCL assert for itself will not be met with. Sometimes it will lead to consequences, where they have to cough up the damages for the breach of contracts, which the SCCL entered into with the coal purchasers. Therefore, a serious view of the absenteeism has been taken at that stage. But however, the SCCL has given a second look at its manpower requirement and has realized that if an opportunity is provided for the erring workmen to correct themselves, better results, perhaps, would emerge. Therefore, before the Lok Adalat, which was constituted in terms of Section 21 of the Legal Services Authority Act, 1987, the matters have been submitted for passing appropriate Awards. Consequently, the Lok Adalat passed Awards directing appointment of the workmen afresh without any benefits of continuity of service or past service. On an earlier occasion, In somewhat similar circumstances, after considering the submissions made on both the sides, this Court in W.P.No.24387 of 2002, dated 31-12-2009, found that the Award passed by the Lok Adalat, for re-engaging

each of the respondent workmen as Badili Coal Filler, afresh, without any benefit of continuity of service or benefit of his past service, within a maximum period of six weeks from the date of receipt of a copy of the order, would meet with the ends of justice.

Therefore, even in this batch of cases, I consider it appropriate to direct the writ petitioner – SCCL, to re-engage the services of each of the workmen involved, as Badili Coal Filler or E.P. Operator, as the case may be, within a maximum period of six weeks from the date of receipt of a copy of this order.

It is needless to observe that the SCCL would be at liberty to subject these workmen to medical examination before re-engaging them, as safety standards in Mines have got to be observed before engaging the services of any workmen.

Accordingly, all the writ petitions stand disposed of.
No costs.

Nooty Ramamohana Rao, J

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23rd June 2010