

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 3732 of 2020

Basudeo Mohali, Aged about 46 yrs, Son of Late Hardeo Mohali,
Resident of Ara Colony, P.O. Sarubera, P.S. Mandu, District Ramgarh
- 829134 **Petitioner**

Versus

1. M/s Central Coalfields Limited, having its Office at Darbhanga House, P.O. Kutchery, P.S. Kotwali, District Ranchi, through its Chairman cum Managing Director.
2. Chief General Manager (K), Kuju Area, M /s Central Coalfields Limited, having his Office at Kuju Area, P.O. Kuju, P.S. Kuju, District Ramgarh
3. General Manager (H), Hazaribagh Area, M/s Central Coalfields Limited, having his Office at Hazaribagh Area, P.O. Charhi, P.S. Charhi District Ramgarh
4. General Manager (P & IR), M/s Central Coalfields Limited, having its Office at Darbhanga House, P.O. Kutchery, P.S. Kotwali, District Ranchi
5. Senior Manager (Personnel), M/s Central Coalfields Limited, having its Office at Darbhanga House, P.O. Kutchery, P.S. Kotwali, District Ranchi.

... .. **Respondents**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. Deepak Kumar Sinha, Advocate
Ms. Rakhi Sharma, Advocate
For the Respondents : Mr. Amit Kumar Sinha, Advocate

05/21.10.2022

Learned counsel for the parties are present.

- 2.** This writ petition has been filed for the following reliefs:

“(a) For a direction upon the Respondent to immediately examine the case of the Petitioner regarding increment in wages and pay the same forthwith in view of the Letter No. PD/Estt./Genl/16/2853 dated 21.07.2016 (Annexure-4) issued by the Respondent No. 4 and Letter being Ref. No. PD/Estt./Genl./15/2723 dated 11.08.2015 (Annexure-3) issued by Respondent No. 5, whereby the Respondent Company had agreed to examine the case of the persons including the Petitioner in the matter of non-increment in wages on account of delay in regularization for 03 to 04 years though they were initially appointed on stipend for one year.

(b) For a declaration that the Petitioner was required to be regularized immediately after the training period of one year, who was appointed by the Respondent company vide Appointment Letter being Ref. No. CGM(K)/PD-SFVRS/APPTT/KUJU/98-99/2349 dated 03.02.1999 (Annexure-1) issued by the Respondent No. 2 under the Special Voluntary Retirement Scheme for Women Employee under the Special

Female Voluntary Scheme, 1999, according to which the Petitioner was initially appointed as Trainee on a consolidated Pay/stipend of Rs. 2500/- per month for a period of one year with a condition that on successful completion of training, shall be appointed on regular pay scale, but admittedly the Petitioner was regularized in Cat-I in the initial basic of Rs. 126.92 in the Scale of Rs. 126.92-1.92-161.48 in NCWA-VI plus usual allowances and benefits like leave etc. vide Letter being Ref. No. CGM(H)/PS-SFVRS Regul/2002/616-23 dated 29.01.2002 (Annexure-2) issued by the said Respondent No. 3.

(C) For a further declaration that due to inaction on the part of the Respondent Company in not regularizing the Petitioner immediately after one year of successful completion of training period and admittedly regularized after almost three years, the Petitioner has incurred huge monetary loss on account of wages, loss in pensionary benefit, loss of promotional benefit, and other losses etc.”

3. Learned counsel for the petitioner submits that the present case is squarely covered by the order passed by this Court in W.P.(S) No. 3726 of 2020 and other analogous cases which were disposed of on 22.07.2022.

4. Learned counsel for the respondents does not dispute the aforesaid submission made by the learned counsel for the petitioner.

5. At this, the learned counsel for the petitioner submits that this writ petition may be disposed of in the same terms as has been done in W.P.(S) No. 3726 of 2020 and other analogous cases.

6. The grievance of the petitioner in the present case is that the petitioner ought to have been regularized upon completion of his one year, but he has been regularized after completion of three years. It is further case of the petitioner that the matter was raised by a number of persons before the respondent company personally and/or through Trade Union, and vide letter dated 21.07.2016 addressed to the Staff Officer, Personnel of all the areas of the respondent company, direction was issued to send the details as mentioned in the said letter to examine the case of the petitioner and other employees and in the said letter the copies of the appointment letters, regularization letters and details of such employees were sought for, but even after expiry of four years, no action was taken by the respondent -company.

7. The learned counsel for the petitioner has submitted that pursuant to the representation of the petitioner/Union, the respondents

have undertaken a process vide Annexure- 4 dated 21.07.2016. He submits that the petitioner would be satisfied if a direction is issued to complete the said process and take the matter to a logical end.

8. After hearing the learned counsel for the parties and considering the nature of relief as prayed for by the petitioner, this Court is of the considered view that the writ petition can be disposed of without calling for a counter-affidavit in the present case.

9. Apparently, the respondents have undertaken certain exercise pursuant to the representation of the petitioner/Union which is apparent from Annexure-3 and 4 of this writ petition. Annexure- 4 was issued on 21.07.2016, but as per the writ petition, no final decision has been taken.

10. Accordingly, this writ petition is disposed of with a liberty to the petitioner to file a representation before the Respondent No. 4 along with a copy of this order and the writ record within a period of 3 months from today and the Respondent No. 4 is directed to take the aforesaid exercise, which has been initiated vide Annexure- 3 and 4, to a logical end, as expeditiously as possible, in accordance with law and as per the various policies of the respondent company, if no such final decision has been taken so far. If any such final decision has already been taken, a copy of the same be provided to the petitioner.

11. However, it is made clear that this Court has not gone into the legality or otherwise of the claim made by the petitioner in this writ petition.

12. This writ petition is disposed of with the aforesaid observations and directions.

(Anubha Rawat Choudhary, J.)