

HIGH COURT OF CHHATTISGARH AT BILASPUR**(Single Bench : Hon'ble Shri Sanjay K. Agrawal, J)****Writ Petition No. 2557 of 2000****Petitioners**

Jayaprakash Singh Banafer s/o. Gopal Singh and another.

VERSUS**Respondents**

South Eastern Coalfields Limiteds through Chairman-cum-Managing Director, Seepat Road, Bilaspur and others.

(Petition under Article 226/227 of the Constitution of India)

Present:Mr. Alok Bakshi, counsel for the petitioners.
Mr. Abhishek Sinha and Mr. G.S. Patel, counsel for respondents No. 1 to 5.**ORDER****(Passed on 12-3-2015)**

1. The case of the petitioners is that they were eligible for appointment on the post of Category-I – General Mazdoor and they are entitled to be considered in accordance with the decision rendered by the Supreme Court in case of **U.P. State Road Transport Corporation and another vs. U.P. Parivahan Nigam Shishukhs Berozgar Sangh and others** reported in AIR 1995 SC 1115.
2. M.P. High Court vide order dated 19-2-1999 directed respondent No.1/"South Eastern Coalfields Limited (for short, "SECL") to consider the case of the petitioners in accordance with directions given in **U.P. State Road Transport Corporation and another (supra)**. Accordingly, in compliance of the order dated 19-2-1999 passed by the MP High Court, respondent No.1/SECL considered the case of the petitioners and vide orders (Annexure P/15 and

P/16) communicated the same to the petitioners which read as under.

"Annexure P/15 - In pursuance to the judgment given by the Hon'ble Supreme Court the management of SECL has prepared a global seniority list of such apprentice who are entitled to benefit of the judgment. As far as your case is concerned, you were apprentice trainee between 18-7-1991 to 18-7-1993 in the trade of diesel mech.(T). According to the age limit prescribed in the SECL service rule, the age limit is 30 years. After completing your apprentice training in the interview held on 10-6-1998 you had already crossed the age limit. Even after granting relaxation as per the Supreme Court judgment, you were beyond the normal age limit prescribed. Apart from this in the global seniority list also, your name does not exist. It is therefore regretted to inform you that even after considering your case in the light of the observation made by the Hon'ble Supreme Court with regard to age relaxation, you are not entitled for the grant of benefit as claimed by you".

"Annexure P/16 - In pursuance to the judgment given by the Hon'ble Supreme Court the management of SECL has prepared a global seniority list of such apprentice who are entitled to benefit of the judgment. As far as your case is concerned, you were apprentice trainee between 13-6-91 to 16-7-93 in the trade of Diesel Mech.(T). According to the age limit prescribed in the SECL service rule, the age limit is 30 years. After completing your apprentice training in the interview held on 10-6-1998 you had already crossed the age limit. Even after granting relaxation as per the Supreme Court judgment, you were beyond the normal age limit prescribed. Apart from this in the global seniority list also, your name does not exist. It is therefore regretted to inform you that even after considering your case in the light of the observation made by the Hon'ble Supreme

Court with regard to age relaxation, you are not entitled for the grant of benefit as claimed by you".

3. A bare perusal of the aforesaid orders would show that SECL has clearly recorded a finding that the age limit for recruitment on the post of Category-1 – General Mazdoor was 30 years and at the time of interview i.e., on 10-6-1998, both the petitioners had already crossed the age limit even after age relaxation was granted in their favour on the date of interview held on 10-6-1998, therefore, the petitioners are not entitled for appointment on the post of Category-1, General Mazdoor even after granting relaxation and as such representation was rejected.
4. Mr. Alok Bakshi, learned counsel appearing for the petitioners vehemently contended that the order of SECL is not in accordance with the direction issued by the Supreme Court in the matter of U.P. State Road Transport Corporation and another (supra).
5. On the other hand, Mr. Abhishek Sinha, learned counsel appearing for the respondents No. 1 to 5 would submit that case of the petitioners has been considered strictly in accordance with the judgment rendered in U.P. State Road Transport Corporation and another (supra) and even after granting age relaxation to the petitioners, they were not entitled for appointment on the post of Category-I, General Mazdoor.
6. After hearing learned counsel appearing for both the parties and after perusal of the record, I find that consideration made by the SECL after order of MP High Court is unexceptionable and finding recorded by the SECL is based on the material available on record

holding that the petitioners were over age for consideration on the post after extending the benefit of age relaxation in their favour. Therefore, the order of SECL is based on proper consideration in which no interference is called for.

7. Accordingly, the instant writ petition deserves to be and is hereby dismissed. However, making of representation, in accordance with law is not a bar.

Sd/-
Sanjay K. Agrawal
Judge

Raju