

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

L. P. A No. 8 of 2015
(in W.P. No. 2253/02)

Smt. Nalini w/o Birendrakumar Shrivastave

v.

W.C.L. & anr.

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Mr. R.N. Sen Advocate for the Petitioner.

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Coram : B.P Dharmadhikari &
S.B. Shukre, JJ.

Date : 30th March, 2015.

Heard.

2. Perused the judgment dated 16.1.2012 rendered by the learned Single Judge in W.P. No. 2253 of 2002.
3. The appellant has submitted her Option Form on 03.1.1987 in terms of the decision dated 22/28.12.1986. There were three options and she preferred option No. 2.
4. It needs to be noted that said option provides for service conditions of employees like appellant who were earlier

working with Coal Mines Labour Welfare Organization and then later on absorbed in employment of various subsidiary companies of Coal India. The option (1) provided was to retain Government service. Option (3) available to the appellant was to be absorbed in W.C.L. employment retaining Government Pay Scales and service conditions including pensionary benefits. She did not opt for these options. She chose Option (2) which read "Option to be absorbed in the company's pay scales and terms and conditions." Thus, she gave up benefit of earlier service with Coal Mines Welfare Organization.

5. After proceeding on voluntary retirement, she sought gratuity also for earlier service, i.e. from 01.12.1965 till 30.9.1986, rendered by her with Coal Mines Welfare Organization. The learned Single Judge has, thus, correctly appreciated the controversy. It is seen that the appellant had also moved competent authority under Section 7 of Payment of Gratuity Act and that authority had decided the controversy against her. That decision was not appealed against.

6. Thus, there is no jurisdictional error or perversity in the impugned judgment. L.P.A. rejected. No costs.

Judge

Judge