

07.12.20

F.M.A. 488 of 2015
with
I.A. NO.CAN 3 of 2015 (Old No. CAN 5497 of 2015),
CAN 5 of 2020 (Old No. CAN 2359 of 2020)

Abinash Mondal
vs.
Eastern Coalfields Limited & Ors.

Mr. Manas Kumar Kundu

...for the Petitioner

Mr. Bijoy Kumar

...for the ECL

Party/parties is/are represented in the order of their name/names as printed above in the cause-title.

At the very outset this Court must notice the extremely tortuous background of this case as it emerges from its facts. The basic facts are as follows:

The petitioner retired from service with the Eastern Coalfields Limited (*ECL*) in the capacity of Ex-Pump Khalasi, Haripur Colliery, Kenda Area in 2002. The petitioner claims to have been unjustly and unfairly retired in 2002 since his date of birth entitles him to retire in 2008 and, not in 2002. In support of his stand the petitioner relies upon a decree of the learned Trial Court, which still stands, confirming his year of birth to be 1948 instead of 1942.

This Court is informed that the decree of the learned Trial Court has reached the Second Appellate stage before the Hon'ble Court and such Second Appeal filed by *ECL* in the year 2008 is pending. The pendency of the Second Appeal has been prolonged by the efforts of *ECL* to seek a restoration from time to time corresponding to its dismissal for default, also from time to time.

The entire gamut of the progress of this tortuous case was sought to be summarised by a Hon'ble Division Bench of this Court sitting in writ appeal *vide* its order dated 14th March, 2016 in FMA 488 of 2015. The Hon'ble Division Bench was pleased to, *inter alia*, direct payment of the amounts due to the petitioner treating his date of retirement as per the decree of the Trial Court along with interest for the delayed and extended period.

This Court is informed that the dismissal of the last restoration application in the Second Appeal filed by *ECL*, as well as the orders passed in the Writ Appeal, are subject to proceedings before the Hon'ble Apex Court and the Hon'ble Apex Court has issued directions from time to time.

This Court is also informed that a Contempt Application, being WPCRC 22 of 2016, is also pending *qua* the order dated 14th March, 2016 in FMA 488 of 2015.

Having regard to the plethora of orders passed from time to time, learned Counsel for the petitioner is

directed to prepare one Informal Paper Book comprising all relevant orders in two sections, *viz.* one dealing with the orders connected to the second appeal and the other dealing with the order pending in the writ application as well as contempt proceedings. It is made clear that such Informal Paper Book shall be prepared by the petitioner in consultation with the learned Counsel for the *ECL*.

Let the matter next appear under the same heading '**Application (Service Matters)**' at the **top** on **21st December, 2020**.

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)