

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.491 of 2016**

1. South Eastern Coalfield Ltd Through Chairman Cum Managing Director, Head Quarter, Seepat Road, Bilaspur Chhattisgarh.
2. Chief General Manager South Eastern Coal Field Ltd, South Jharkhand, Hasdeo Area, District Korea Chhattisgarh.
3. Dy. Chief Personnel Manager South Eastern Coal Field Ltd, Hasdeo Area, District Korea Chhattisgarh.
4. Manager, South Eastern Coal Field Ltd. West Jharkhand Colliery, Hasdeo Area, District Korea Chhattisgarh.

---- Appellants**Versus**

Gorakh Singh S/o Daroga Singh Aged About 73 Years Retired Senior Overman, South Eastern Coal Field Ltd, West Jharkhand Colliery, Hasdeo Area, District Korea Chhattisgarh.

-----Respondent

For Appellant:	Shri HB Agrawal, Senior Advocate along with Shri Vivek Verma, Advocate
For Respondent:	Shri GS. Patel, Advocate.

Hon'ble The Chief Justice**Hon'ble Shri Justice Sanjay Agrawal****Order on Board****Per Deepak Gupta, Chief Justice****27/10/2016**

1. This Appeal by the SECL is totally misconceived.
2. The facts briefly stated are that the Respondent/workman was appointed as Majdoor in the Coal Company and his date of birth was recorded as 1.7.1943 at the time of his induction in service. Later, some enquiry was held by the SECL and his date of birth was changed from 1.7.1943 to 6.5.1941. The Respondent/workman filed representation against the order changing the date of birth to his disadvantage and finally on 17.1.2001, an order was passed whereby the date of birth of the Respondent/workman was again recorded as 1.7.1943. Two weeks later, on

31.5.2001, the SECL passed another order cancelling the earlier order dated 17.1.2001 and again recorded the date of birth of the Respondent/workman as 6.5.1941. The Respondent/workman eventually retired by treating his date of birth to be 6.5.1941.

3. The Respondent/workman filed a Writ Petition challenging the action of the Appellants and the learned Single Judge held that the order dated 31.1.2001 was unsustainable because the same had been passed without giving the Respondent/workman an opportunity of being heard.

4. It is well settled law that any action on the part of the employer which visits the workman with civil consequences to his disadvantage cannot be passed without giving him the opportunity of putting forth his case. The rules of natural justice are an inherent part of our jurisprudence and it is beyond ken of doubt that no party can be condemned unheard.

5. Therefore, without going into the merits, the order dated 31.1.2001 had to be set aside only on the ground that it had been passed without giving the Respondent/workman an opportunity of being heard.

6. At this stage, it is urged by learned Senior Advocate that the SECL may be given a right to now give notice to the Respondent/workman. We are unable to accept this request. The Respondent/workman retired on 31.5.2001. More than 15 years have been elapsed and it does not behove a huge company like the SECL to rake up such small matters.

7. The prayer is not accepted and the Writ Appeal is accordingly dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Sanjay Agrawal)
JUDGE