

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.W. NO.2094/2015
IN
WRIT PETITION NO.3565/2012

Western Coalfields Limited, through its Sub-Ara Manager, Sillewara Mines, Distt.
 Nagpur
 ..VS..
 The General Secretary, Samyukta Khadan Mazdoor Sangh, Walni Mines, Distt.
 Nagpur

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : 5.7.2016.

Heard Shri S.M. Puranik, Advocate for the
 applicant - original respondent and Shri A.S. Mehadia,
 Advocate for the non-applicant - original petitioner.

This application is filed praying for modification in the
 judgment passed by this Court in Writ Petition No.3565/2012
 directing that the workman (applicant) shall be entitled to get
 work as "Badli Worker" as and when he approaches the
 Management and the Management shall give him work if it is
 available.

According to the applicant - respondent, post of "Badli
 Worker" is not in existence on the establishment of the
 non-applicant petitioner and the post of "General Majdoor"
 exists on the establishment and, therefore, wherever the

“Badli Worker” occurs in the judgment, it should be substituted by “General Majdoor”.

Shri Mehadia, the learned Advocate states that as per entries in the record available with the Management, on 25th February, 1981, i.e. the date of joining the applicant was aged about 25 years and, therefore, now he has surpassed the age of superannuation i.e. 60 years.

Shri Puranik, learned Advocate states that the date of birth of the applicant is 7th November, 1956 and, therefore, he has not surpassed the age of superannuation and the applicant will attain the age of superannuation on 6th November, 2016.

Be that as it may, considering the directions given by this Court and as no purpose would be served by modifying the order even if the date of birth of the applicant is treated as 7th November, 1956, I see no reason to consider the prayer of the applicant original respondent. The application is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE