

COCF No. 202 of 2013**Date of decision:29.02.2016****Jagir Singh****.....Petitioner****versus****Ishwar Chand Saho, MD and another****.....Respondents****Coram: Hon'ble Mr.Justice Rakesh Kumar Jain****Present:** Mr. Vipul Aggarwal, Advocate
for the petitioners.Mr. K.S.Boparai, Advocate
for the respondents.**Rakesh Kumar Jain, J.(Oral)**

The petitioner has retired from Steel Authority of India Limited(SAIL). He filed writ petition bearing CWP No. 3082 of 2004 for release of his retiral benefits from 13.04.2002. The said writ petition was disposed of on 4.04.2006 with liberty to the petitioner to approach the concerned authority of the SAIL for release of his pension already sanctioned.

Petitioner filed Civil Misc. application for modification/clarification of the order dated 4.04.2006 to add retiral benefits as well. The said application was allowed on 18.01.2008 by modifying the order in the following manner:-

“We dispose of this writ petition with liberty to the petitioner to approach the concerned authority for release of the pension which has already been sanctioned alongwith other retiral benefits which are still outstanding. In case such a representation is

made within a period of 14 days from today, the concerned authority is directed to decide the petitioner's representation and release outstanding dues of the petitioner within a period of two months thereafter. It shall be open to the authorities to consider the petitioner's claim under NCWA-VI and NCWA-VII in accordance with the rules and procedure."

The petitioner filed COCP NO. 1057 of 2008 because the petitioner was not paid according to NCWA-VI and NCWA-VII. The said contempt petition was disposed of on 20.11.2008 as the respondent had stated that the negotiations between the employee's Union and the Management was going on for the application of N.C.W.-VI/N.C.W.-VII and whenever the issue is mutually decided by the competent authority, the petitioner shall be granted the benefit.

Since the respondent did not release the benefits to the petitioner in terms of NCWA-VI and NCWA-VII., therefore, the present petition has been filed.

It is averred in the reply filed by the respondents that as far as benefits of NCWA-VII(National Coal Wage Agreement) are concerned, the petitioner was not entitled because he retired in 2002 whereas the agreement is applicable w.e.f.2007. Regarding NCWA-VI, the negotiation between the management and the employees union was continuing in the year 2008.

However, during the course of hearing, counsel for the

respondent has submitted that the said negotiations are over, decision has been taken but it has not been implemented so far. It is also submitted that the implementation of the decision of the NCWA-VI is to be taken by the Board of Directors of the SAIL and as far as the pension is concerned, that is to be decided by respondent No. 4.

Counsel for the petitioner has submitted that even NCWA-VII is applicable because as per his instructions, it has to be implemented from April, 2001 till 2006 whereas the petitioner had retired in the year 2002.

Be that as it may, since the decision has already been taken in regard to NCWA-VI and it is only the question of its implementation by the Board of Directors of the SAIL, this Court is of the opinion that it is not necessary to keep this petition pending as it can be disposed of with a direction to the Board of Directors of the SAIL to implement the decision taken, after the negotiation in regard to NCWA-VI, within a period of 3 months from the date of presentation of certified copy of this order. The Board shall also take into consideration that as to whether, NCWA-VII would be applicable from 2001 to 2006 or not.

With these observations, the present petition is hereby disposed of.

29th February, 2016

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**