

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3106 of 2009**

1. Kedar Singh, aged 54 years, Son of late Shri D.N. Singh,
2. D.N. Thakur, aged 46 years, Son of late Shri L.L. Thakur
3. B.P. Gobil, aged 54 years, Son of late Bhanupratap Gowil,
4. D. Singh, aged 56 years, Son of late A. Singh,
5. Bechan Jha, aged 56 years, Son of late Jageshwar Jha,
6. S.C.B. Lal, aged 49 years, Son of Shri Sunderlal,

All the petitioners are resident of Qr. No.DB-2, S.B.S. Colony, SECL, Korba (CG)

---- **Petitioner**

Versus

- S.E.C.L. Through Chief General Manger S.E.C.L., Korba (Cg)

---- **Respondent**

For Petitioners	: Shri SV Purohit, Advocate.
For Respondent	: Miss Priya Mishra, Advocate appears on behalf of Dr. NK Shukla, Senior Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

18/05/2017

1. Learned counsel for the petitioners would submit that the matter in issue concerning deduction of salary of 2 days along with 8 days wages has already been held illegal by the coordinate Bench of this Court in WPS No.1616/2009 (D.P. Saraf Vs. SECL). He would submit that the matter in issue is squarely covered by the said judgment.

2. In D.P. Saraf, referred to above, this Court framed the questions emerging for decision making in para-8 and thereafter held thus in paras- 13 & 16:-

“13. The deduction of wages equivalent to two days salary is also equally unjustified as it is case of the petitioner that he is not a member of any union and did not participate in the strike. The petitioner has not participated in two days strike is also apparent from the notice (Annexure R/2), in which it has been stated by the respondent herein that petitioner participated on strike for only one days i.e. on 20.01.2009.

16. For the foregoing reasons, it is held that deduction of two days wages and also miscellaneous deduction equivalent to eight days wages of the petitioner under proviso to Section 9(2) of the Act, 1936 is illegal as well as unauthorized and it is held that petitioner is entitled for the amount which has been deducted from his salary along with interest at the rate of six percent from the date of deduction till its actual payment. The respondent – SECL is directed to make payment of aforesaid amount within eight weeks from today.”

3. The present writ petition being exactly similar in nature, the same is also allowed in terms of the order passed in D.P. Saraf, referred to above.
4. A copy of the order passed in D.P. Saraf, referred to above, be retained in this writ petition.

Sd/-
Judge
(Prashant Kumar Mishra)