

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 2040 of 2004**

Devendra Kumar Mishra, S/o. Late Buddasen Mishra, Senior Mining Engineer, Laxman OCP, Kusmunda Area S.E.C.L., Distt. Korba (C.G.)

---- Petitioners**Versus**

1. Chairman, Coal India Limited, 10, Netaji Subhas Road, Kolkata (W.B.)
2. Coal India Limited, Through- its Chairman-cum-Managing Director, Coal India Limited, 10 Netaji, Subhash Road, Kolkata (W.B.)
3. Shri Mukesh Kumar Sharma, Senior Manager (Mining), Posted at SECL, Bhatgaon Area, Distt. Ambikapur (C.G.)

---- Respondent

For Petitioner:	Mr. Ali Asgar, Advocate.
For Respondents :	Mr. V.R. Tiwari, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****18/05/2017**

(1) Instant writ petition has been filed claiming two reliefs: first relief is challenged to order dated 13.01.1999 *whereas* other relief claimed is that the respondent No. 3, being junior, have been promoted over the petitioner on the post of E-4 by order dated 5.6.2001.

(2) I have heard counsel appearing for the parties and perused the material available on record with utmost circumspection.

(3) Order dated 13.01.1999 (Annexure P-15) has been passed by the Mahanadi Coalfields Limited, District Sambalpur, Orissa and,

therefore, this Court will have no jurisdiction to adjudicate the validity of that order.

(4) The order passed by the SECL, Bilaspur promoting the respondent No. 3 to the post of E-4, against which the petitioner made representation, which was rejected on 12.05.2004 and the same has not been specifically assailed in this writ petition.

(5) Since this Court has no jurisdiction to adjudicate the correctness of the order dated 13.1.1999 passed by Mahanadi Coalfields Limited, District Sambalpur, Orissa and the order rejecting representation dated 12.05.2004 (Annexure P-14) has not been challenged specifically and, therefore, counsel for the petitioner submits that he may be permitted to withdraw this petition with liberty to file fresh petition before the appropriate Court as well as challenging the order rejecting representation dated 12.05.2004 before this Court.

(6) Liberty is granted as prayed for.

(7) Accordingly, the writ petition is dismissed as withdrawn with the liberty as aforesaid.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-