

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.4136 of 2005

South Eastern Coalfields Limited, through Sub Area Manager, SECL  
Rajgamar Colliery, Village and Post Rajgamar, Distt. Korba (C.G.)  
---- Petitioner

Versus

1. Itwari, S/o Shri Lachhiram, Ex-Loader of SECL, Village and Post  
Kutara, Distt. Janjgir-Champa (C.G.)
2. Regional Labour Commissioner (Central), Jabalpur (M.P.)  
---- Respondents

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For Petitioner: Mr. Vinod Deshmukh, Advocate.  
For Respondent No.1: Mr. Gary Mukhopadhyay, Advocate.  
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Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

22/11/2017

1. Learned counsel for the petitioner submits that the issue involved in this writ petition stands concluded by decision of this Court in W.P.No.2311/2004 (The Sub Area Manager, SECL v. Malikram and another) decided on 12-2-2015 in which this Court has observed as under: -

“(11) After hearing learned counsel appearing for the parties and perusal of the material available on record, it would appear that respondents were not given sufficient opportunity of hearing before terminating their services and the provisions of Section 25 of the Industrial Disputes Act, 1947 have not been substantially complied with, and even provisions of Section 25 N of the ID Act was also not complied with. It also appears that by order of termination dated 31.01.1981, names of the respondents were struck off from the role of the SECL and immediately thereafter on 4.3.1981, they were reinstated in service. Both the courts below have concurrently held that there is continuous service of the respondents as they were not terminated in accordance with law and no charge sheets were ever served to them.

Thus, the concurrent findings recorded by two court below being based on material available on record which does not call for any interference by this Court.

(12) However, it is informed by learned counsel for the respondents that the amount in dispute i.e. gratuity amount has already been paid to the private respondents and no interim order is operating in these writ petitions in favour of the petitioner and the amount has been disbursed to the private respondents and they have retired long back in the years 1991, 1997 & 2001, respectively.

(13) Accordingly, the writ petitions deserve to be and are hereby dismissed.”

2. The writ petition stands finally disposed of in terms of the above-stated findings recorded by this Court in The Sub Area Manager, SECL (supra). No order as to cost(s).

Sd/-  
(Sanjay K. Agrawal)  
Judge