

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 401 of 2015

1. Bharat Singh Baghel S/o Shri Rambhan Singh Baghel, Aged About 57 Years, R/o North Jhagrakhand Colliery, District Korea (Chhattisgarh)
2. Awdhesh Kumar Tiwari S/o Late Shri Tribhuwan Nath Tiwari, Aged About 60 Years, R/o Pauradhar, Post Jhimar, District Anuppur (M.P.)
3. Brij Behari Pandey S/o Shri Baijnath Pandey, Aged About 57 Years, R/o Higher Secondary School Jhagrakhand, District Korea (Chhattisgarh)
4. Chandrika Prasad Verma S/o Late Shri Paras Ram Verma, Aged About 48 Years, Teacher, Higher Secondary School, Jhagrakhand, District Korea (Chhattisgarh)
5. R. S. Sharma S/o Shri Maithili Sharan Sharma, Aged About 56 Years, Teacher, Higher Secondary School, Jhagrakhand, District Korea, (Chhattisgarh)
6. Yog Mani Agnihotri S/o Shri Sampat Kumar Agnihotri, Aged About 59 Years, Head Master Primary School, Pauradhar Colony, District Anuppur (M. P.)
7. Kamal Kishore Vishwakarma S/o Shri Ramnaresh Vishwakarma, Aged About 50 Years Peon, Higher Secondary School, Jhagrakhand, District Korea, (Chhattisgarh)
8. Subhas Chandra Jha S/o Shri Nena Lal Jha, Aged About 53 Years, Peon, Higher Secondary School, Jhagrakhand, District Korea (Chhattisgarh)
9. Nirpat Singh Rajput S/o Shri Ram Singh Rajput, Aged About 53 Years, Peon, Higher Secondary School, Jhagrakhand, District Korea, (Chhattisgarh)
10. Rajendra Kumar Maurya S/o Shri Baldev Ram Maurya, Aged About 53 Years, Teacher, Higher Secondary School, Jhagrakhand, District Korea, (Chhattisgarh)
11. Rekha Rani Khare W/o Late Shri Krishna Kumar Khare, Aged About 58 Years, Assistant Grade II, Higher Secondary School, Jhagrakhand, District Korea (Chhattisgarh)
12. Mukut Mani Tripathi S/o Late Shri Jagdamba Prasad Tripathi, Aged About 57 Years, Assistant Grade I, Higher Secondary School, Jhagrakhand, District Korea (Chhattisgarh)
13. Dev Mani Pandey S/o Late Shri Ram Pratap Pandey, Aged About 59 Years, Teacher, Primary School, Raj Nagar Colliery, District Anuppur (M. P.)
14. Trilok Nath Dubey S/o Late Shri Ram Akshabar Dubey, Aged About 55 Years, Lecturer, Higher Secondary School, Jhagrakhand, District Korea, (Chhattisgarh).

15. Raj Kumar Tripathi S/o Late Shri Swami Nath Tripathi, Aged About 57 Years, Assistant Librarian, Higher Secondary School, Jhagrakhand, District Korea (Chhattisgarh)

---- Applicants

Versus

1. Shri Omprakash, Chairman Cum Managing Director, South Eastern Coal Fields Ltd., Seepat Road, Bilaspur (Chhattisgarh)
2. Shri R. B. Shukla, Chief General Manager, South Eastern Coal Fields Ltd., Hasdeo Area, Post South Jhagrakhand Collieries, District Korla, (Chhattisgarh)
3. Dr. R. S. Jha, Director (Personnel), South Eastern Coal Fields Ltd., Seepat Road, Bilaspur (Chhattisgarh)
4. Shri S. P. Das, Deputy General Manager (Personnel), South Eastern Coal Fields Ltd., Hasdeo Area, Post South Jhagrakhand Collieries, District Korla (Chhattisgarh)

---- Respondents

For petitioners	:	Shri Kishore Bhaduri, Advocate.
For State/Respondent	:	Dr. N.K. Shukla, Senior Advocate with Shri Vaibhav Shukla, Advocate.

And

CONT No. 431 Of 2015

- Anil Kumar Pandey S/o Shri Salik Ram Pandey, Aged About 54 Years Assistant Teacher, R/o Pauradhar, Post- Ravinagar, District- Sahdol (Madhya Pradesh)

---- Applicant

Vs

1. Mr. Omprakash, Aged About 59 Years, Chairman- Cum- Managing Director, South Eastern Coal Field Ltd., Basant Vihar, Seepat Road, Bilaspur, District, Bilaspur (Chhattisgarh)
2. Mr. R. B. Shukla, Aged About 59 Years, Chief General Manager, Hasdeo Area, South Jhagrakhand, S E C L, District- Koriya (Chhattisgarh), Present- Singhai Colliery Education Society, Baikunthpur, District- Koriya (Chhattisgarh)
3. Mr. S. P. Das, Deputy Chief Personal Manager, Hasdeo Area, South Jhagrakhand, S E C L, Baikunthpur, District- Koriya (Chhattisgarh)
4. Dr. R. S. Jha, Aged About 56 Years Director Personal, S E C L Head Office, Seepat Road, Bilaspur (Chhattisgarh),(Contemnors)

---- Respondents

For petitioners	:	Shri Kishore Bhaduri, Advocate.
For State/Respondent	:	Dr. N.K. Shukla, Senior Advocate with Shri Vaibhav Shukla, Advocate.

Hon'ble the Chief Justice and
Hon'ble Shri Justice R.C.S. Samant

Order on Board by Hon'ble Shri Thottathil B. Radhakrishnan, Chief
Justice

12/04/2017

1. These petitions instituted under the provisions of the Contempt of Courts Act are being considered together since the facts are intricately connected and they relate to matters attendant to management of Singhi Collieries Education Society.
2. We have heard the learned counsel for the petitioners in Contempt Case No.401 of 2015 and the learned counsel for the petitioners in Contempt Case No.431 of 2015. We have also heard the learned Senior Counsel appearing for the respondents in these cases, who represent the South Eastern Coalfields Limited, which is a Government of India Company.
3. The sum and substance of these cases revolve around the eligibility or otherwise of the teachers of a School run by Singhi Collieries Education Society, to be paid salaries at par with the State Government teachers and the manner in which the funds have to be generated to satisfy such obligations of the management. It appears that through different litigations even

before this Court, issues came to be settled, including as regards the liability of the Society to pay its teachers at par with the emoluments of the teachers in the State Government. The remaining issue that was dealt with related to ways and means of finding amounts to satisfy the requirement to make such payments. It appears that there was an award passed by the Labour Court and certain other proceedings by which revenue recovery proceedings were initiated. The Society or the South Eastern Coalfields Ltd. was successful in obtaining orders in writ jurisdiction interfering with the decisions of the Labour Court, but during the pendency of the writ petitions or writ appeals, the management and the teachers who were before this Court had arrived at a Memorandum of Understanding (hereinafter referred to as 'the MOU' in short) dated 06-04-1995, modified on 29-03-1995. This Court recognised the existence of the said MOU and apparently made it obligatory on the part of the employer to abide by the terms of the MOU. Collateral obligations on the teachers to stand by the MOU was also pointed out.

4. Now, before we proceed further, we may classify the teachers into two categories; one group who had signed the MOU and another group which had not signed the MOU. Contempt Case No. 401 of 2015 is by the group of teachers who have signed the MOU, while Contempt Case No. 431 of 2015 is by the group of teachers who have not signed the MOU.

5. Different shades of the jurisprudential content of the different orders passed by the Labour Court and by this Court in writ jurisdiction have been copiously dilated upon by the learned counsel appearing for the petitioners before us. They have also highlighted the salient features of the MOU and placed considerable reliance and emphasis on the order issued by the Division Bench of the Madhya Pradesh High Court on 18-02-1999 in Writ Petition No.349 of 1997 which is stated to be pending before this Court.
6. It cannot be disputed that the Madhya Pradesh High Court while rendering the afore-noted order dated 18-02-1999 was clearly of the view that the parties had to ultimately stand by themselves adhering to the terms of MOU. But the fact of the matter remains that there is considerable dispute as between the teachers and the management, or at least South Eastern Coalfields Limited, as to the extent of liability of the South Eastern Coalfields Limited to make contributions in terms of the MOU to augment and make available the deficit of funds which may occur in matters relating to the payment of emoluments to the teachers. We see that the MOU makes the teachers eligible for payment at par with the State Government teachers. That is made available to those teachers, who signed the MOU and undertakings in consonance thereof. At the same time, while working out the liability of the employer Society, it was apparent that there would be deficit of funds. Resultantly, the South Eastern Coalfields Limited had

agreed under the MOU to provide funds to liquidate the deficit. One of the moot questions that would arise in this context is as to whether the pegging an outer limit of amount at Rs.13,70,000/-, depended fundamentally on the possibility of the per student donation being at least Rs.20/- per year; or whether the amount of contribution would vary depending upon different other factors from time to time.

7. We are only dealing with an application for initiating proceedings in terms of the provisions of Contempt of Courts Act, 1971. We see that the quality and content of the MOU have been dilated upon by this Court, including by the Division Bench, at least, in two rounds; initially, at the instance of the SECL and later at the instance of those teachers, who had joined or rallied behind the MOU. Unfortunately for the teachers, even the Judgment of the learned Single Judge in Writ Petition No.2667 of 2006 went against their interest and the limited relief that was granted to them was a direction that a representation that may be made by the teachers be disposed of by the management of the SECL on the basis of the interpretation given to the MOU and the facts and factors reflected through order dated 13-07-2010 in Writ Petition No. 2667/2006. The teachers carried an unsuccessful appeal against that judgment as Writ Appeal No. 33/2011 before the Division Bench of this Court. That was dismissed on 26-08-2014 holding that there is no scope to interfere with the decision of the learned Single Judge. Though, the learned counsel

appearing for the petitioner in Contempt Case No.401/2015 pointed out that the Division Bench, in that round, had also elaborately dealt with the terms of the MOU, the fact of the matter remains that the said writ appeal was dismissed and the Special Leave Petition carried by the teachers to the Hon'ble Supreme Court, namely, in SLP (C) No. 399 of 2015 was also dismissed.

8. In the aforesaid backdrop of the facts and having regard to the relevant laws, we are of the view that no effective action can be taken by this Court at the instance of the petitioners, in exercise of authority under the Contempt of Courts Act, 1971. Hence, leaving open all other remedies as may be available to the teachers, including by invoking appropriate jurisdiction in the Governments concerned, these cases are dismissed.

Sd
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(R.C.S. Samant)
Judge