

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No. 5633 of 2010**

Bansi Prasad, S/o Shri Raghunath Prasad, aged about 70 years, Quarter No. 3/19, Urja Nagar, Gevra Project, District Bilaspur (C.G.)

---- Petitioner

Versus

1. Deputy General Manager, South Eastern Coalfields Limited, Gevra Project, District Bilaspur (C.G.)

2. Presiding Officer, Central Government Tribunal-cum-Labour Court, Jabalpur (M.P.)

---- Respondent

For Petitioner : Mr. P.R. Patankar, Advocate.

For Respondent No. 1. : Mr. Vivek Verma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board**

16/07/2018

(1) The petitioner was an employee of South Eastern Coalfields Limited. His dispute with regard to his date of birth was referred to the Age Determination Committee as per Implementation Instructions No. 76 under the National Coal Wage Agreement. The Age Determination Committee determined the date of birth of the petitioner as 1.1.1934. But ultimately, the Government of India, Ministry of Labour referred the dispute to the Central Government Industrial Tribunal-Cum- Labour Court, Jabalpur (for short "CGIT") to decide whether the action of the Management retiring the petitioner by treating the date of birth of the petitioner as 1.1.1934 is legal and justified.

(2) The CGIT, by its impugned award dated 30.03.2006, after conducting a full-fledged enquiry held that the petitioner's date of birth has rightly been determined by the Age Determination Committee as 1.1.1934.

(3) Being aggrieved and dissatisfied with the impugned award dated 30th March, 2006, instant writ petition has been filed by the petitioner questioning the same.

(4) Learned counsel appearing for the petitioner would submit that the impugned award is perverse and contrary to law, therefore, it is liable to be set aside.

(5) Per contra, counsel for respondent No.1/ SECL supported the impugned award.

(6) I have heard learned counsel appearing for the parties.

(7) The CGIT has clearly and categorically recorded a finding that date of the birth of the petitioner is 1.1.1934 after following due procedure for determination/verification of the age of the employee as per implementation instruction No. 76 under the National Coal Wage Agreement. Learned counsel for the petitioner could not point out any illegality or perversity in the impugned award passed by the Central Government Industrial Tribunal-Cum- Labour Court, Jabalpur. I also do not find any illegality or perversity in the impugned award warranting interference by this Court in the instant writ petition.

(8) Accordingly, the writ petition, being devoid of merit, is liable to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

