

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WA No. 196 of 2018**

The Regional Commissioner Coal Mines Provident Fund Organization, Shaktinagar Gupteshwar, Jabalpur Madhya Pradesh (Now Regional Commissioner, Coal Mines Provident Fund Organization Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Appellant**Versus**

1. South Eastern Coal Field Ltd. Through CMD, Seepat Road, Bilaspur, Chhattisgarh (R/1 In WP 4087/06)
2. Personnel Manager SECL Baikunthpur Area, Sub Area Katkona Colliery District Korea, Chhattisgarh (R/2 In WP 4087/06)
3. Bacheli Devi W/o Late Kanhaiya Jha, Aged About 50 Years Permanent Address Village Bachat, Post Bachat, District Darbhanga, Bihar, Present Address C/o Pramod Ku. Jha, Katkona, Colliery, District Korea, Chhattisgarh (Petitioner In WP 4087/06)

Respondents

For Appellant	: Shri Rajkumar Gupta, Advocate
For Respondent No.1	: Shri Vinod Deshmukh, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Sharad Kumar Gupta, Judge****Judgment On Board****Per Thottathil B. Radhakrishnan, Chief Justice****03/04/2018**

1. Having heard the learned counsel for the appellant Regional Commissioner Coal Mines Provident Fund and the learned

counsel for the first respondent SECL, we see that the short issue that arises for decision is as to whether we ought to entertain this intra court appeal in terms of Section 2 (1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006 on the question of imposition of Rs.10,000/- as costs by the learned Single Judge.

2. The Writ Petitioner, a widow aged 50 years, moved this Court claiming certain benefits including family pension. It is true that after her husband was declared medically unfit, their son was granted dependent employment by SECL. Considering the facts and factors of the case, the learned Single Judge concluded that the writ petitioner was entitled to be paid the due amounts. The single Judge also imposed an order of costs of Rs. 10,000/- interest @ 8% was also imposed on the total payables.
3. Lack of jurisdiction to impose costs cannot be contended. The discretionary jurisdiction of the learned single Judge under Article 226 carries with it the power to impose costs. It is also not the law that costs should be awarded only in favour of the litigant who succeeds in the litigation. There are various facts and factors which weigh with the judicial mind in determining matters relating to awarding of costs. A statutory organization which is ordained with the social welfare duty under the Constitution to support the workmen and their families is before us as appellant. The employer is

also before us. Pitted against them is the widow of an erstwhile coal worker. Having found that there is no lack of jurisdiction or gross illegality in awarding costs to the petitioner in the writ petition, on the scales of justice, we do not find any ground to interfere with the order of costs imposed by the learned single Judge.

4. In the result, this writ appeal is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge