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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 87 of 2018

South Eastern Koyala Mazdoor Congress (INTUC) Through Its President Gopal Narayan Singh S/o Late Manoram Singh, Aged Agout 50 Years R/o Quarter No. 0II B / 34, J.P. Colony, S.E.C.L. District Korba Chhattisgarh.

---- Petitioner

Versus

1. Union Of India Through Secretary, Ministry Of Coal, Shastri Bhavan, Dr. Rajendra Prasad Road, New Delhi.
2. Ministry Of Labour And Employment, Govt. Of India. Through Its Secretary, Shram Shakti Bhavan, Patel Marg, New Delhi.
3. South Eastern Coalfield Limited, Through Its General Manager, P-M.P. And Industrial Relation, S.E.C.L. Seepat Road, Bilaspur Chhattisgarh.
4. Coal India Limited, Coal Bhawan, Premises No. 4-MAR Flot No. AF-III ACTION AREA – 1A NEW TOWN RAJARGAT Kolkata West Bengal Pin 700156.

---Respondents

For Petitioner	:	Mr. N.K. Vyas, Advocate
For Respondents No.1 & 2	:	Mr. Raj Kumar Gupta, Advocate
For Respondents No.3 & 4	:	Mr. Vinod Deshmukh, Advocate
For Intervenor	:	Mr. S.P. Kale, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/11/2018

1. The whole dispute in the present writ petition revolves around the order passed by the Government of India, Ministry of Coal dated 11.01.2017. For ready reference the operative part of that order is reproduced herein under:

“On the basis of interim order given by Delhi High Court on 18.09.2016 in WP(Civil) No. 8152/2016, it is obligatory that representatives of INTUC are not included in any committee in CIL and its subsidences it further order of Delhi High Court in

this regard Ministry of Labour & Employment's letter No. L60012/1/2016 L.C. dated 4/1/2017 (copy enclosed) addressed to there office bearers of INTUC is also relevant. Therefore necessary instructions may please be given to all concerned in CIL and its subsidiaries to comply with the order of Delhi High Court in this regard.”

2. The plain reading of the aforesaid portion would clearly reflect that the impugned order dated 11.01.2017 was passed in the light of an interim order given by the Delhi High Court on 16.06.2016 in WP(Civil) No. 8152/2016. The petitioner themselves has subsequently brought an order to the notice of this Court, whereby the aforesaid writ petition i.e. WP(Civil) No. 8152/2016 has been finally disposed off without confirmation of any interim order vide order dated 01.08.2018.
3. The disposal of the aforesaid writ petition without an interim order being continued would by itself nullify the operation of the order dated 11.01.2017 (Annex.P/1) under challenge in the present writ petition.
4. Since the order was passed in the light of the Delhi High Court's order and the writ petition before the Delhi High Court itself getting disposed off, the further continuation of the effect and operation of the order Annexure P/1 dated 11.01.2017 is inconsequential. In fact, this Court is of the opinion that subsequent to the disposal of the writ petition before the Delhi High Court without an interim order renders the operation of the order under challenge i.e. 11.01.2017 as infructuous and as a consequence, the position would stand restored to the position as is stood prior to 11.01.2017.

5. Given the aforesaid facts and circumstances of the case this Court is of the opinion that in the light of the final disposal of the writ petition before the Delhi High Court on 01.08.2018 and there being no further interim order in operation, the relevance of Annexure P/1 dated 11.01.2017 has lost all its efficacy and significance and therefore the present writ petition stands disposed off holding that the impugned order dated 11.01.2017 has by itself lost its significance and the same therefore stands set-aside/quashed and as a consequence the writ petition stands disposed off with a direction that the position would stand as is stood prior to 11.01.2017.
6. Mr. S.P. Kale, Advocate appearing for the intervenor makes a request for disposal of certain I.As. which have been filed by the interveners. Considering the fact that this Court has finally disposed off the writ petition on its merit, this Court declines to entertain any of the I.As. which are pending.
7. With the aforesaid observations, the writ petition stands disposed off and all the I.As. which are pending consideration also stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved