

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 92 of 2018**

1. The Chairman Cum Managing Director (Wrongly Mentioned As Chief Managing Director) (C M D) South Eastern Coalfields Limited, Seepat Road, Bilaspur, Chhattisgarh
2. The Director (Personnel), South Eastern Coalfields Limited, Seepat Road, Bilaspur, Chhattisgarh.
3. The Deputy Manager (Personnel) Bagdeva Project (Korba Area), P.O. Katghora, District Korba, Chhattisgarh.

---- Petitioners**Versus**

Manoj Kumar S/o Het Ram, Aged About 47 Years, Presently Working At Bagdeva Coal Mines As BCM, R/o Q. No. A-517, Bakimogra, District Korba, Chhattisgarh

---- Respondents

For Petitioner : Shri Shailendra Shukla, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****26.09.2018**

This is the most frivolous review petition which could have been filed by the petitioner establishment. For ready reference the relevant portion of the order passed by this Court is reproduced herein under:

“1. The limited prayer of the petitioner in the instant Writ Petition is that since he has been suffering from certain medical ailments, he has not been able to discharge his duties in the mines where he is posted and therefore prays for an alternative posting on the surface.

2. Considering the limited grievance of the petitioner, let the petitioner make a fresh representation to respondent no.2 in this regard within a period of 15 days from today. The respondent no.2 in turn shall consider the case of the petitioner and his grievance in the light of the medical condition of the petitioner the documents of which he shall produce along with the representation and then decide the said representation within a period of 45 days from the date of receipt of representation of the petitioner.”

2. The only observation this Court had made was to give liberty to the petitioner for approaching the authorities by way of a representation for ventilating his grievance. All that was required by the establishment was that the authorities should have decided his representation either allowing or rejecting the same with intimation to the employee. This Court had not expressed any opinion so far as his entitlement is concerned. This Court had also not mentioned anything as to in what manner the representation had to be decided.

3. The contention of the petitioners for filing the review petition is to show the conduct of the respondent employee. This fact could have been enumerated by the petitioner establishment while deciding the representation. Merely because some action in the past had been taken would not by itself be sufficient not to honour the order passed by this Court of deciding the representation of the petitioner.

4. This Court fails to understand why the petitioner establishment should file such frivolous review petition against such order which in no manner is prejudicial or adverse to the interest of the petitioner establishment neither is there any positive mandamus issued while disposing of WPS No. 3004 of 2018 dated 12.04.2018 except to decide the representation.

5. Given the facts, this review petition being devoid of merits as the petitioners have not been able to show any error apparent on the face of the record deserves to be and is rejected with cost of Rs.15,000/- to be paid to the High Court Legal Services Authority within a period of 30 days from today.

**Sd/-
P. Sam Koshy
Judge**