

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.26148 OF 2015

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondents in deducting the wages of the petitioner for working days attended from 3rd to 9th May, 2014, 9th, 11th to 14th, 18th, 20th to 23rd, 25th to 27th, 29th, 30th of August, 2014 and 21st and 22nd November, 2014, without issuing any notice and conducting any enquiry, as arbitrary, illegal and consequently to direct the respondents to release the wages of the petitioner for the aforementioned days.

Heard Sri Surendra Desai, learned counsel appearing for the petitioner and Sri J.Sreenivasa Rao, learned Standing Counsel for Singareni Collieries appearing for the respondents.

It is the case of the petitioner that initially, he was appointed as Badli Coal Filler in the month of August, 1986 in the respondent-Company. Thereafter, he was promoted as Timberman. On 4.12.2012, while he was on duty, he has fallen from a tree and sustained serious injuries and was admitted in a hospital. After recovery, he has reported to duty and requested the respondents to allot work on surface instead of underground mining. But the respondents have not

considered the case of the petitioner, and insisted him to work in the underground mining. Hence, the petitioner had filed W.P.No.13700 of 2014 before this Court. While issuing notice before admission, on 29.4.2014, this Court directed the respondents to continue the petitioner on surface in the same place for a period of eight weeks. After completion of eight weeks, again the respondents insisted the petitioner to work in the underground mining. The interim direction granted by this Court was extended from time to time and was made absolute on 23.1.2015. The petitioner submitted a representation on 4.9.2014 for payment of the salary for the period in question. But, so far, no orders have been passed thereon. Hence, the present writ petition.

Learned Standing Counsel appearing for the respondent-Company contends that the petitioner has not worked for the period in question and hence, the respondents had not paid salary to him.

Having regard to the submissions made on either side, without expressing any opinion on the merits of the case, this Court is of the considered view that the writ petition can be disposed of directing the respondents to pass orders on the representation submitted by the petitioner.

Accordingly, the Writ Petition is disposed of directing the respondents to pass appropriate orders on the representation dated 4.9.2014 submitted by the petitioner within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

1st May, 2018
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