

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWA No. 53 of 2016

1. South Eastern Coalfields Limited Through Its Chairman-
Cum- Managing Director, Seepat Road, Bilaspur
Chhattisgarh.
2. Chief General Manager, SECL Bhatgaon Area, P.O.
Bhatgaon Colliery, Distt. Surguja, Chhattisgarh

----Appellants

Versus

- Ayodhya Prasad, Aged About 53 Years, S/o Late Dhansai,
Village- Dugga, P.O.- P.S.- Bhatgaon Colliery, Distt. Koriya
Chhattisgarh.

---- Respondent

For Appellants :-	Mr. Shailendra Shukla, Advocate.
For Respondent :-	Mr. Gary Mukhopadhyay, Advocate

Hon'ble Shri Prashant Kumar Mishra, Ag.CJHon'ble Shri Parth Prateem Sahu,J.
Judgment On BoardByPrashant Kumar Mishra, Ag. CJ03/04/2019

1. This intra-Court appeal would assail the single Judge's order
allowing the respondent's Writ Petition directing his
reinstatement in the service along with 50% backwages.

2. The respondent herein (henceforth 'Writ Petitioner') was employed as workman (category II) on the relevant date when he applied for issuance of permission/No Objection Certificate for contesting the assembly election stating that in the event he succeeds in the election he will resign from the service otherwise, he will join.
3. The SECL issued NOC allowing the Writ Petitioner to contest the election in which he eventually remained unsuccessful and offered joining in the SECL which was allowed on 03.06.2009 pursuant to settlement in form 'H' under Rule 58 (4) of the Industrial Dispute (C) Rules, 1957 (in short 'the Rules, 1957') on 25.05.2009. Thereafter, the Writ Petitioner was suddenly removed from service without providing any opportunity of hearing. The Single Judge has allowed the Writ Petition for the reason that the settlement under the Rules, 1957 is binding on the parties, therefore, the SECL could not have resiled from the terms of settlement.
4. Considering the entire pleadings and documents available in the record of the Writ Petition, we fail to persuade ourselves to take any different view of the matter for the simple reason that the Supreme Court in **Mohan Mahto v. Central Coal Field Ltd. And others (2007) 8 SCC 649** has categorically held that settlement within the meaning of

Section 2(p) of the ID Act, 1947, is binding on both the parties unless the same is altered, modified or substituted by another settlement. The SECL was, therefore, not entitled to disallow the Writ Petitioner to join the service after having once executed the settlement by allowing the Writ Petitioner to join the duties on 03.06.2009.

5. As an upshot, the Writ Appeal, being bereft of merit, is liable to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

Ayushi