

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.917 of 2018**

Shri Laxmi Narayan Sharma, son of Shri Ram Swarup Sharma, aged about 65 years, retired Driver, resident of Quarter No.1B/53, Pump House Colony, SECL, Korba, District Korba, Chhattisgarh

---- Applicant

versus

South Eastern Coalfields Ltd. though Area Security Officer, Office of the General Manager, South Eastern Coalfields Ltd., Korba Colliery, District Korba, Chhattisgarh

--- Respondent

For Applicant	:	Shri Shashi Kumar Kushwaha, Advocate
For Respondent	:	Shri Vivek Verma, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

22.2.2019

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. The instant revision has been preferred against the order dated 22.5.2018 passed by the Special Judge under the Companies Act, 2013/Sessions Judge, Bilaspur in Special Case (Companies Act) No.16 of 2018, whereby the Special Court has registered a complaint case moved by the Respondent against the Applicant and has taken cognizance of an offence punishable under Section 452 of the Companies Act, 2013.
3. Learned Counsel appearing for the Applicant submits that the Applicant was working with the South Eastern Coalfields Limited (SECL) and on 30.11.2015, he retired from the post of Driver. During his service tenure, he was allotted company's Quarter No.1B/53 at Korba by the competent authority. It is further

submitted that the Respondent, without releasing his retiral dues and without affording him opportunity of hearing, moved the complaint case against him for eviction of the said quarter. He is ready to vacate the said quarter if his dues are released by the Respondent.

4. Learned Counsel appearing for the Respondent submits that before filing of the complaint case by the Respondent, the Applicant had been afforded sufficient opportunity of hearing. The complaint case was filed when the Applicant did not vacate the quarter even after issuing him several notices for eviction. It is further submitted that in compliance with the order dated 4.4.2017 passed by the Controlling Authority under the Payment of Gratuity Act, 1972 and the Regional Labour Commissioner (Central), Bilaspur, a gratuity amount of Rs.9,15,232/- has already been released in favour of the Applicant and as directed by the said authority, the penal rent which is due against the Applicant is to be realised/recovered from him from his other terminal dues.
5. At this stage, it is agreed between the parties and is ordered accordingly that within a period of four weeks from today the Respondent shall release all legal dues of the Applicant and the Applicant shall also vacate the quarter of the Respondent within the same period.
6. Consequently, the revision is disposed of in the aforesaid terms.

Sd/-
(Arvind Singh Chandel)
Judge