

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6777 of 2019

1. Chandeshwar, S/o Late Ramnath, Aged About 63 Years, Retired From The Post Of Shut Firer, NEIS No. 92303035, NCPH, Chirmiri Area, SECL, R/o Amannagar Society, Vipray Nagar, Behind H R Tower, Near Baghwa Talab, Raipur, District: Raipur, Chhattisgarh

---- Petitioner

Versus

1. S E C L Through Its Chairman Cum Managing Director, Headquarter At Seepat Road, Bilaspur, District Bilaspur, Chhattisgarh
2. Director (Personnel), S E C L Headquarter At Seepat Road, Bilaspur, District Bilaspur, Chhattisgarh
3. Chief General Manager, S E C L, Chirmiri Area, Chirmiri, District Koriya, Chhattisgarh
4. Sub Area Manger, S E C L, N C P H Coalier, Chirmiri Area, District Koriya, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Jai Prakash Shukla, Advocate
For Respondents	:	Mr. R.R. Sinha, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04.09.2019

1. The petitioner in the present Writ Petition is claiming for overtime for the period between January, 2012 to December, 2015.
2. A perusal of the record would show that the petitioner in fact had retired from service in December, 2016, it appears that there was no claim made or the matter pursued by the petitioner while he had performed overtime or while the petitioner was in service. A writ petition filed after more than 3 years after the date of retirement, claiming for overtime would not be sustainable.

3. Moreover, the petitioner is a worker. As per the Industrial Dispute Act, the petitioner is covered under the National Coal Wage Agreement which is a settlement under Industrial Dispute Act. Accordingly, so far as the claim for overtime is concerned, the petitioner has a right to approach the competent court under the provisions of Industrial Dispute Act for redressal of his grievance.
4. Reserving the right of the petitioner to approach the competent authority, if he is aggrieved of the present Writ Petition is not maintainable and deserves to be rejected on the ground of having an alternative remedy.
5. Accordingly, the present Writ Petition stands disposed off.

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