IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No.6701 of 2018

Seraj Miya, aged about 72 years, son of Late Chirag Ali, resident of Barka Chumba, Masjid Barka Chumba, P.O. Barka Chumba, P.S. Mandu, District Ramgarh .... Petitioner

Versus

1. The Central Coalfields Limited through its Chairman-cum-Managing Director, having its office at Darbhanga House, P.O. Darbhanga House, P.S. Kotwali, District Ranchi
2. The General Manager, Central Coalfields Limited, Argada Area, Sirka, P.O. Argada, P.S. Ramgarh, District Ramgarh
3. The Project Officer, Central Coalfields Limited, Sirka Colliery, P.O. Argada, P.S. Ramgarh, District Ramgarh
4. The Staff Officer (P & A), Central Coalfields Ltd., Argada Area, P.O. Argada, P.S. Ramgarh, District Ramgarh

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Saurabh Shekhar, Advocate
For the Respondents-CCL : Mr. Amit Kumar Sinha, Advocate

06/08.12.2020 Heard Mr. Saurabh Shekhar, learned counsel for the petitioner and Mr. Amit Kumar Sinha, learned counsel for the respondents-CCL.

This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard.

The petitioner has preferred this writ petition for a direction upon the respondents to grant the benefit of special piece rated allowance in accordance with clause 3.11.2-4 and other provisions of NCWAs, annually, and further to calculate the salary on April, 2006 at the enhanced rate on the basis of increments so granted. Further prayer is to grant the benefits of additional special piece rated allowance in accordance with clause no.3.12 and other provisions of NCWA-III-VII on completion of prescribed period of services as per respective NCWAs of relevant years up till April, 2006 i.e. the date of his retirement, and further to calculate the salary on April, 2006 at the enhanced rate on the basis of increments so granted. Prayer has also been made to fix and finalize and pay the pension and gratuity of the petitioner at enhanced rate, along with arrears, on the basis of improved salary position as above mentioned specifically for the period of last ten months of petitioner's service, immediately before his retirement, the period of which the salary is accounted for calculation of pensionary and gratuity

benefit.

The petitioner was appointed as piece rated employee on permanent basis by the respondent authority on 03.10.1972 and got retired in April, 2006. The petitioner has performed the duties for the respondent authorities to their utmost satisfaction and without any complaint. The payment rate to the petitioner, being piece rated employee, was fixed on the basis of the number of tubs being loaded and carried per day. On an average, the petitioner had to work for 8 hours a day in which he could manage to load and carry and unload 2-3 tubs(container) of coal. The name of the petitioner figures in Form-B. There is provisions in NCWA of allowances in accordance with clause 3.11.2.4 NCWA III-VII.

The petitioner has preferred the representation before the authorities for such relief but no decision has been taken on that.

Mr. Amit Kumar Sinha, the learned counsel for the respondent CCL submits that the matter can be disposed of and that authority will decide the representation of the petitioner.

Accordingly, the petitioner is directed to file a fresh representation before the respondent no.3 within three weeks from today. If such representation is filed within aforesaid period the respondent no.3 will take a decision in accordance with NCWA and the provisions made thereunder within eight weeks thereafter. It goes without saying that if the decision is taken in favour of the petitioner, the benefit of the same shall be extended to the petitioner within eight weeks further thereafter.

With the aforesaid observation and direction, the writ petition stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Anit