IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No.6698 of 2018

Surpatiya Devi, aged about 63 years, widow of Late Balwa Bedia, resident of Sirka, Budh Bazar, near G.M. Office, Sirka, P.O. Argada, P.S. and 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 benefit of special piece rated allowance in accordance with clause 3.11.4 and other provisions of NCWAs I-VI rates, of her deceased husband for the period extending between the date of appointment 19.02.1973 uptill the date of his retirement on 31.08.2001 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 of NCWA-I-Vi on completion of prescribed period of services as per respective NCWAs of relevant years up till 31.08.2001 i.e. date of his retirement and further to calculate the salary on 31.08.2001 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 husband of the petitioner at enhanced rate, along with arrears on the basis of improved salary position as mentioned above for the period of last ten months of petitioner's husband service immediately before

his retirement, the period of which the salary is accounted for calculation of pensionary and gratuity benefits.

The husband of petitioner was appointed as piece rated employee on permanent basis by the respondent authority on 19.02.1973 and got retired on 31.08.2001. The husband of petitioner expired on 24.03.2003. The husband of petitioner has performed the duties for the respondent authorities to their utmost satisfaction and without any complaint. The payment rate to the husband of 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 3.11.4 and other provisions of NCWAs I-VI.

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