

17.03.2021.
Item no. 67.
Court No.13
ap

**W.P.A. No. 4935 of 2021
(Through Video Conference)**

**Koyala Mazdoor Congress
Versus
Union of India & Ors.**

Mr. Sabyasachi Chatterjee,
Ms. Deblina Sarkar,
Mr. Susovon Dey.

...For the petitioner.

Mr. Shamit Sanyal,
Ms. Manika Roy.

..For the respondent nos.3 to 6.

The writ petitioner is an organization of non-executive employees of the Coal India Limited. They are aggrieved by the fact that the promotion process to the executive grade which, inter alia, requires enhanced qualification, is not being undertaken by the respondents. They submit that a lot of them may outgrow the age for promotion and may, in fact, miss the bus, if the respondents did not expeditiously conduct such promotional process.

Counsel for the Coal India Limited has referred to an unreported order dated 21st January, 2020 passed by Nagpur Bench of Bombay High Court in W.P. No. 4315 of 2017 (***Sanjay S/o Vitthalrao Dhoble & Anr. – Vs. – Government of India, Ministry of Coal & Ors.***).

It is submitted that the aforesaid writ petition was filed by those persons, who sought for conclusion of a similar promotional process, as the petitioners,

conducted in the year 2015. He further submits that the said process could not be completed for various reasons and extension of time has been granted by Bombay High Court until six months from 18th December, 2020.

Admittedly, unless the previous promotion process is concluded by the respondents, the petitioner's cause of action for the same cannot arise.

It is further submitted that it is only after conclusion of the earlier promotion process that the respondents may undertake in the next process.

In those circumstances, this Court holds that the claims made by the petitioner are rather premature.

Hence the instant writ application is disposed of without any orders.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)