

Item No. 38

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

05.01.2021
Ct-24

W.P.A. 10388 of 2020
Sri Upendra Dusad alias Upendra Paswan
v.
Eastern Coalfields Ltd. & Ors.

Mr. Chittapriya Ghosh
Ms. Komal Singh
... for the petitioner.

Mr. Manik Das
... for the respondents.

The petitioner is an employee of the Eastern Coalfields Ltd. His grievance is that initially he was serving in Category Grade-25 but all on a sudden he has been allotted Category Grade-24.

According to the petitioner he is getting less pay in Category Grade-24 than what he was receiving when he was in Category Grade-25.

The petitioner has made representation highlighting his grievances before the respondent authorities. The petitioner complains

that his representation has not been considered by the authority till date.

The learned advocate representing the respondents submits, upon instructions, that the petitioner was initially designated as CCM Driver but as his designation was out-cadre he was designated as driller. The petitioner was regularized as driller in Category-24, in due course, as per the Company's norms. The pay of the petitioner has been fixed as per the provisions of NCWA.

The regularization of the petitioner in Category-24 has not caused any monetary loss to him.

The petitioner though has not been able to make out a case from the writ petition that he is suffering any monetary loss in view of his categorization in Category Grade-24, but from the legal notice that was served on his behalf to the Chairman-cum-Managing Director, Eastern Coalfields Ltd. it appears that an averment has been made that the employee was suffering

monetary loss on account of a sudden change of category.

Accordingly, the instant writ petition is disposed of by directing the respondent no. 3 being the General Manager, Kenda Area, Eastern Coalfields Ltd. to consider the representation that was made on behalf of the petitioner, strictly in accordance with law, within a period of eight weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

It is made clear that this Court has not gone into the merits of the case and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation made on his behalf on August 9, 2020 at the time of communicating a copy of this order to the respondents for necessary compliance.

WPA No. 10388 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(**Amrita Sinha, J.**)