

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6305 of 2009**

N.P. Mishra S/o Shri B.L. Mishra, Aged about 47 years, R/o Bijuri Colliery, S.E.C.L. P.O. Bijuri, Distt. Anuppur, (M.P.) working as Senior Overmen, A-1 Grade and Deputy General Secretary, Indian National Mine, Official Supervisory Staff Association (INMOSSA) Hasdeo Area, S.E.C.L.

---Petitioner**Versus**

1. The Coal India Limited, Through its Chairman, Coal India Limited Coal Bhawan, 10 Netaji Subhash Road, Kolkata 700-001 (W.B.).
2. S.E.C.L. Through its Chairman-cum-Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur, P.O. Bilaspur, Chhattisgarh.
3. The Director (P&IR) & Member Secretary JBCCI – VIII Coal India Limited, Coal Bhawan, 10 Netaji Subhash Road, Kolkata, 700-001 (W.B.)

--- Respondents

For Petitioner :- Mr. Gary Mukopadhyay, Advocate

For Respondents :- Mr. Abhishek Sinha, Senior Advocate
with Mr. Ghanshyam Patel, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board (Through Video Conferencing)

13/07/2021

1. Heard.

2. By way of this writ petition, the petitioner has called in question the circular dated 22/07/2009 (Annexure P/1) which is National Coal Wage Agreement – VIII, implementation Instruction No. 9 relating to payment of overtime and wages for weekly day of rest, particularly clause (c) of the said circular stating that the said clause is illegal, bad and arbitrary, therefore, it is liable to be struck down.

3. Mr. Abhishek Sinha, learned senior counsel appearing for the respondents, would submit that this National Coal Wage Agreement – VIII has already been superseded by new Agreement – IX, therefore, the instant petition has become infructuous and it is liable to be dismissed. However, Mr. Gary Mukopadhyay, learned counsel for the petitioner, would submit that petitioner is directly affected by this Circular (Annexure P/1) particularly clause (c).

4. On being asked to learned counsel for the petitioner, whether clause (c) of the Circular (Annexure P/1) relating to 'Confidential &

Supervisory Staff' directly affects the petitioner and whether he is confidential and supervisory staff, he is unable to substantiate and submit that petitioner is not an officer working as Confidential and Supervisory staff of SECL after scanning the pleadings made in the writ petition.

5. Thus, the submission made by learned senior counsel holds water that petitioner is not directly affected by the said circular (Annexure P/1) particularly clause (c) and therefore, I do not consider it a fit case for entertaining the adjudicating the matter on merits, more particularly when the National Coal Wage Agreement – VIII has already been superceded by new Agreement – IX and the impugned circular has thus come to an end.

6. In view of the aforesaid finding, I do not find any merit in this writ petition and it deserves to be and is accordingly dismissed. However, petitioner is at liberty to proceed in accordance with law. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge