

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.1044 of 2012**

1. Koyla Khan Karmachari Sangharsh Samiti, Head Office Seepat Road, P.O. SECL, Bilaspur (C.G.)

Through its Sangathan Mahamantri (Kendriya) Ramaiyya Sahu, S/o Late Shri Dauram, aged about 59 years, working as Loading Inspector, Manikpur Project, SECL Korba (C.G.), R/o Quarter No.Type-II23, Manikpur Colony, SECL Korba, Distt Korba (C.G.)

2. Ramaiyya Sahu, S/o Late Shri Dauram, aged about 59 years, Working as Loading Inspector, Manikpur Project, SECL Korba (C.G.), R/o Quarter No. Type II-23 Manikpur Colony SECL Korba, Distt. Korba (C.G.)

----- Petitioners**Versus**

1. Coal India Limited, through the Chairman, 10, Netaji Subhash Road, Kolkata – 700001
2. The Director (Personnel & IR), Coal India Limited/Member Secretary, JBCCI-IX, 10, Netaji Subhash Road, Kolkata (West Bengal)
3. Government of India, through the Section Officer, Ministry of Coal, Shastri Bhawan, New Delhi

----- Respondents

For Petitioners

Mr. R. R. Soni, Adv.

For Respondent Nos.1 & 2

Mr. Vinod Deshmukh, Adv.

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

18/08/2021

1. The petitioners by way of this writ petition call in question the communication dated 01.08.2011 constituting JBCCI-IX and pray for quashing of the said order/communication.
2. Mr. Soni, learned counsel for the petitioner, would submit that the constitution of Joint Bipartite Committee for Coal Industry (JBCCI-IX) is arbitrary, unconstitutional and contrary to the provisions of the Industrial Disputes Act, 1947 and liable to be set-aside.
3. On the other hand, Mr. Vinod Deshmukh, learned counsel for respondents No.1 & 2, would submit that there is Bipartite Agreement between the Management of Coal India and all functional Trade Unions operating in Mine/Units of Coal India known as 'Joint Bipartite Committee for Coal Industry' which decides the salary/wages, fringe benefits, welfare measures and social security measures to be provided to the workers of the Coal India for a period of 5 years known as 'National Coal Wage Agreement-IX' and it is binding upon the Management and all workers of

Coal India and its subsidiaries and validity of said agreement was from 1.7.2011 to 30.6.2016 which has already come to an end during the pendency of the writ petition and the petitioner has also retired from service and there is no relationship between employer and employee between them and as on the date the petitioner has no locus standi to challenge the terms of settlement called as NCWA-IX and as such, the writ petition has become infructuous. He would rely upon the judgment of the Supreme Court in the matter of Barawni Refinery Pragtisheel Shramik Parisad v. Indian Oil Corporation¹. He would further submit that five National Coal Trade Unions who have signed NCWA-IX are necessary party, as such, the writ petition liable to be dismissed.

4. I have heard learned counsel appearing for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
5. National Coal Wage Agreement-IX (JBCCI-IX) was signed on 31.1.2012 for a period of 5 years

1 (1991) 1 SCC 4

from 1.7.2011 to 30.6.2016 and that period has already come to an end during the pendency of this writ petition.

6. A careful perusal of the record would show that the petitioner is not adversely affected by constitution of JBCCI-IX particularly when the said settlement arrived at between Management of Coal India Limited and Five National Coal Trade Unions which are binding to all workmen including the petitioner and furthermore, the petition is also liable to be dismissed on the ground of non-joinder of necessary party as five National Coal Trade Unions who have signed NCWA-IX have not been made as party respondent, as such, JBCCI-IX cannot be quashed without their presence as party respondents in this writ petition.

7. In the considered opinion of this Court, since the JBCCI-IX constituted for a period 1.7.2011 to 30.6.2016 has already come to an end, examining the question would be purely academic, therefore, this Court is not inclined to examine the question on merits. However, the petitioner is at liberty to question JBCCI

subsequently constituted, if so advised.

8. With the aforesaid stated observation, the writ petition stands finally disposed of. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Nirala