

HIGH COURT OF CHHATTISGARH, BILASPUR**Order reserved on:13.07.2021****Order delivered on:26.07.2021****Writ Petition (S) No.2914 of 2009**

D.P.Saraf S/o Shri K.Anand Saraf, aged 50 years, Chief Storekeeper, Regional Stores, S.E.C.L.Korba, R/o Quarter No.-E-22,15 Block, S.E.C.L. Colony, Korba (CG)

---Petitioner***Versus***

1. Union of India through Secretary, Coal Ministry, New Delhi
2. Coal India Limited through Chairman, 10 Netaji Subhash Road, Kolkata (West Bengal)
3. South Eastern Coalfields Limited through C.M.D. Seepat Road, Bilaspur (CG)
4. Rajendra Prasad Singh, President-I.N.F.M. (Intac) Dhor Colliery, District Bokaro PIN 825102
5. Ramendra Kumar, President I.M.W.U.F. (A.I.T.U.C.) PO. Bhurukunda, District Hajaribagh Jharkhand – 829016
6. Dr.M.K.Padhe, President Citu, B.T. Randive Bhawan, 13 A Rose Avenue, New Delhi 110002
7. Nathulal Pandey, General Secretary, Koyala Mazdoor Sabha (H.M.S.) 1964, Wright Town Jabalpur-482002 (MP)
8. Uday Patwardhan General Secretary, Bhartiya Mazdoor Sangh, B-1/11 L.I.C. Quarter, G.K.Road, Pune 711016

---Respondents

For Petitioner	: Mr.D.P.Saraf in person
For Respondents No.2&3	: Mr.Shailendra Shukla, Advocate
For Respondent No.8	: Mr.Ashok Kumar Shukla, Advocate
For other Respondents	: None present

Hon'ble Shri Justice Sanjay K. Agrawal**C.A.V. Order**

1. The instant writ petition has been filed by the petitioner questioning the validity of agreement i.e. National Coal Wage Agreement-VIII entered into between the parties for a period of 5 years commencing from 1.7.2006 to 30.6.2011.

2. Mr.D.P.Saraf, petitioner-in-person appearing would question the constitution of Joint Bipartite Committee for Coal Industry (JBCCI) holding it to be arbitrary, unlawful and unconstitutional and it is liable to be set-aside.
3. Mr.Shailendra Shukla, learned counsel for respondents No.2 and 3 would, submit that firstly, the National Coal Wage Agreement-VIII entered into between the parties for a period of 5 years from 1.7.2006 to 30.6.2011 has already lapsed and secondly, to question that agreement, the writ petition was filed with a delay of 3 years on 17.6.2009 and as such, the writ petition is liable to be dismissed on the ground of delay and laches and the period of National Coal Wage Agreement-VIII has already been expired and the petitioner has already filed fresh petition questioning the constitution of National Coal Wage Agreement-IX, as such, the present writ petition deserves to be dismissed.
4. I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
5. It is not in dispute that validity of instant National Coal Wage Agreement-VIII was up to 30.6.2011. The

Director, Ministry of Coal, Government of India has conveyed the authorization of the Government to the Coal India to constitute JBCC-III on 28.2.2007 and thereafter on 10.3.2007, the President of all Central Five Trade Unions nominated their representatives for constitution of JBCC-VIII and on 29.1.2009 Memorandum of Agreement for National Coal Wage Agreement-VIII was signed for a period of 5 years from 1.7.2006 to 30.6.2011.

6. Considering the fact that the writ petition was filed with a delay of 3 years and the National Coal Wage Agreement-VIII has already completed its life from 1.7.2006 to 30.6.2011 and the petitioner has further filed writ petition questioning the constitution of National Coal Agreement-IX in a duly constituted writ petition and he has not challenged the notification dated 28.2.2007 by which the Ministry of Coal, Government of India has conveyed the authorization of the Government of India to the Coal India to constitute JBCCI for Coal Industry, as such, at this point of time, I do not find any ground to entertain the instant writ petition for the reasons of delay in filing the writ petition, the National Coal Wage Agreement-VIII has already come to an end after completing its tenure and the petitioner is not directly affected by that National Coal Wage

Agreement-VIII, as such, I do not consider it a fit case to entertain the writ petition on merits. However, the petitioner is at liberty to proceed in accordance with law.

7. Accordingly, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-