

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.6434 of 2010

- Shail Shrivastava, Wd/o Late Shri Deepak Kumar, aged about 54 years, R/o "B" Seam, Colliery, Nagar Panchayat Khongapani, Tahsil Manendragarh, District Korea (C.G.)

----- Petitioner

Versus

1. South Eastern Coalfields Limited, through Chairman-cum-Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur (C.G.)
2. The General Manager, South Eastern Coalfields Limited, Hasdev Area, P.O. South Jhagrakhand, Tahsil Manendragarh, District Korea (C.G.)
3. Singhi Collieries Education Society, Jhagrakhand, through the Principal, Higher Secondary School, Jhagrakhand (A School governed by Singhi Collieries Education Society, Jhagrakhand), Tahsil Manendragarh, District Korea (C.G.)

----- Respondents

WPS No.1066 of 2013

- Smt. Gayatri Shrivastava, W/o Raj Gopal Shrivastava, Aged About 57 Years, Aama Kherawa Road, P. S. Manendragarh, Manendragarh, District Korea, Chhattisgarh

----- Petitioner

Versus

1. South Eastern Coalfields Limited, through Chairman-cum-Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur (C.G.)
2. The General Manager, South Eastern Coalfields Limited, Hasdev Area, P.O. South Jhagrakhand,

Tahsil Manendragarh, District Korea (C.G.)

3. Singhi Collieries Education Society, Jhagrakhand, through the Principal, Higher Secondary School, Jhagrakhand (A School governed by Singhi Collieries Education Society, Jhagrakhand), P.S. Jhagrakhand, Tahsil Manendragarh, District Korea (C.G.)

----- 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

23/06/2021

1. Mr. R. R. Soni, learned counsel for the petitioners and Vinod Deshmukh, learned counsel for the respondent Nos.1 & 2, would jointly submit that the identical writ petition involving the similar issue has already been adjudicated by this Court in **WPS No.6298/2010**, decided on 15.01.2019, in between **Jayant Kumar Shrivastava vs South Eastern Coalfields Limited and others**, as such the present writ petitions may also be disposed of in similar terms.
2. This Court in paras 7 to 9 of WPS No.6298/2010 has held as under:-

"7. Counsel for the SECL further points out to the Court that the Division Bench in Bharat Singh Baghel's case (supra) relied on a decision of the Hon'ble Apex Court in the case of S.C. Chandra and Others v. State of Jharkhand and Others reported in (2007) 2 SCC (L&S) 897, wherein in the identical situation, the Hon'ble Apex Court held that mere grant of financial assistance does not make either an employee of the institution a company owned establishment. The facts of the case in S.C. Chandra (supra) are identical to the present case. The only difference being is that the companies involved in the two litigations are different but both are Public Sector Undertakings.

8. The law being what it is as also the Court being satisfied that the school in question is not under the command, control as well the limb of the Respondent- SECL, the liability of any kind which is being claimed by the Petitioner will be that of the management of the school, which is a registered society and not that of the SECL, as is being claimed in the present writ application.

9. Writ has no merit. It is dismissed."

3. In view of the above, both the writ petitions are disposed of in terms of paras 7 to 9 of the judgment rendered in the matter of **Jayant Kumar** (supra). No order as to cost (s).

Sd/-
Sanjay K. Agrawal
Judge