

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.836 of 2009

Mohd. Ashif Hanifi, S/o Mohd. Ismail Hanifi, aged 53 years, Occupation Service, Presently posted as Senior Clerk, E&M Section, South Eastern Coalfields Limited Head Quarters, Seepat Road, Bilaspur, R/o B-23, Indira Vihar, Seepat Road, Bilaspur (C.G.)

---- Petitioner

Versus

1. Union of India, through the Secretary, Ministry of Coal, Nirman Bhawan, New Delhi.
2. Coal India Limited, through its Chairman, Coal Bhawan, 10, Netaji Subhash Road, Kolkata (W.B.) 700 001.
3. South Eastern Coalfields Ltd., a subsidiary of Coal India Limited, through its Chairman cum Managing Director, Registered Office at Seepat Road, Bilaspur.
4. The Director (Personnel), South Eastern Coalfields Ltd., Seepat Road, Bilaspur.
5. The Chief General Manager, P&A, South Eastern Coalfields Ltd., Seepat Road, Bilaspur.
6. The Dy. C.P.M. (A & IR), South Eastern Coalfields Ltd., Seepat Road, Bilaspur.

---- Respondents

 For Petitioner: Mr. Sourabh Sahu, Advocate.
 For Respondents No.2 to 6: Mr. Vinod Deshmukh, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/06/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. The short grievance raised by the petitioner is that he is entitled for seniority from 4-12-1986 to 8-7-1994 on the subject post.
3. Mr. Vinod Deshmukh, learned counsel appearing for respondents

No.2 to 6, at the outset, submits that the committee appointed by the South Eastern Coalfields Limited (SECL), has considered the grievance of the petitioner in its report dated 17/18-12-2014, which has been filed in this petition, in which it has clearly been recorded that promotion of the petitioner may be considered notionally considering his inter se seniority position at the time when his co-employees were promoted, as such, the fact of promotion has been considered, therefore, the petitioner's grievance has been redressed to which Mr. Sourabh Sahu, learned counsel appearing for the petitioner, submits that he is not aware of any consequential order passed on the basis of report dated 17/18-12-2014.

4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.
5. Last two paragraphs of the report dated 17/18-12-2014 states as follows: -

“Based on available records and by considering the views / option of Advocate, it is felt that, length of service simply cannot be over looked. This needs to be considered. Posting on the roll of Coal India Limited or SECL does not make any sense. According to length of service / experience he is entitled for seniority as well as promotion from the date his co-employee got promotion.

To address the grievance and settle the issue of Shri Md. Ashif Haniffee it is suggested that his promotion may be considered Notionally from the date Shri Md. Ashif Haniffee completed cadre norms of each post taking into consideration also his inter-se-seniority position at that point of time, when his co-employee were promoted. However his back wages for that period should not be considered for payment as per various Supreme Court / High Court judgments in this regard, as he was not holding the post during that period of time.”

6. Considering that the committee had already considered the case of

the petitioner favourably for notional promotion and also considering his inter se seniority position, therefore, this writ petition is disposed of directing the SECL to pass consequential order in terms of the report dated 17/18-12-2014 within thirty days from today, if not already passed. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

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