

10-05-2022

ct no. 13

SL. 10

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**WPA 1611 of 2011**

Purbanchal Ex- Servicemen Welfare Association & Anr.

**-Versus-**

Eastern Coalfields Limited & Ors.

**Ms. Kabita Mukherjee,**

**Mr. Manas Dasgupta**

**...for the petitioners**

**Mr. Biswaroop Bhattacharya,**

**Mr. Saptarshi Mukherjee**

**...for the respondent/ECL**

Affidavit of service filed in Court today is taken on record.

The petitioners claim that a sum of Rs. 2,16,740/- is lying payable by the ECL to them towards security services rendered.

It appears that a criminal case was instituted, in which, some of the members of the petitioners were arraigned. Subsequently, a charge sheet has been filed, in which, none of the members of the petitioners have been named.

It further appears that by a communication dated September 7, 2007, the Chief General Manager, Eastern Coalfields Limited, J.K. Ropeways, Kajoragram, Burdwan has found the said sum payable back to the

security agency, i.e., the petitioners. There is a further communication to this effect issued by the Chief General Manager, Eastern Coalfields Limited, J.K. Ropeways, Kajoragram, Burdwan on January 25, 2008. It is only by communication dated October 11, 2010 that the respondents informed of the liability of the petitioners for theft on the premises of the ECL on June 11, 1997.

This Court notes that there are different and inconsistent stands taken by the ECL from time to time on the subject.

In that view of the matter, since the claimed amount is rather paltry, the Chief General Manager, being respondent no.3, shall revisit the claim of the petitioners and reconsider the same.

The petitioners and/or their legal representatives may be heard by the said respondent no.3. and a reasoned order may be passed, on the petitioners' claim, within a period of three months from the date of communication of a copy of this order.

Since no affidavits have been used by the respondents, the allegations made in the writ petition, shall not be deemed to have been admitted by this Court.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**