

Court No. 22
20.7.2022
(Item No. 3)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 12624 of 2008

Sri Santulal Saw
VS
The Coal India Limited & Ors.

Mr. Subrata Bhattacharyya
..... for petitioner

Mr. Susanta Pal
Mr. Nilankan Banerjee
Mr. Pradipta Basu
.... For respondent Nos. 4 & 5

Mr. Subrata Bhattacharyya, learned advocate appears for the petitioner.

Mr. Nilankan Banerjee, learned advocate led by Mr. Susanta Pal, learned advocate appears for the respondent Nos. 4 & 5.

The petitioner contends that, despite having obtained a decree from a competent jurisdictional Civil Court on November 30, 2006 passed by the learned Civil Judge (Junior Division), 1st Court, Durgapur in Title Suit No. 30 of 1997 declaring the age of the petitioner, the respondent employer of the petitioner failed and neglected to take any step to act in accordance with thereto and failed to record the correct age in the service record of the petitioner. It is submitted that, the respondent employer of the petitioner was also represented and contested the said Civil Suit. It is submitted that the Civil Court decree was appealed against by the respondent employer and such appeal was also dismissed. It

is submitted that, the petitioner had already retired from service. The specific grievance of the writ petitioner is that, in the event, the said Civil Court decree would have been considered by the respondent employer the retirement of the petitioner with all consequential and allied benefits would have been otherwise.

Affidavit-in-opposition is on record.

The respondents are not called for.

To the view of this Court, this grievance can best be redressed by directing the respondent No. 5 to take a reasoned decision on the issue upon giving a hearing to the writ petitioner in accordance with law.

In view of the above, the respondent No. 5 is directed to give a hearing to the petitioner by treating this writ petition with all its annexures as a consolidated representation of the petitioner upon giving at least seven days prior notice of hearing to the petitioner and then shall come to its logical conclusion by way of passing a reasoned order.

The entire exercise as directed above must be carried out by the respondent No. 5 within a period of six weeks from the date of communication of this order. The respondent No. 5 then must communicate his reasoned order/decision to the petitioner within a further

period of two weeks from the date of such reasoned order to be passed.

It is made clear that this Court has not gone into the merit of the writ petition and all points are left open for the petitioner to urge before the respondent No. 5.

In the event, the contention of the writ petitioner is upheld by the respondent No. 5 in its reasoned order, then all the consequential and allied benefits attached to the service of the petitioner be granted to the petitioner and whatever monetary benefit he would become entitled to, must be released forthwith to the petitioner positively within a further period of eight weeks from the date of such reasoned order to be passed.

On the above terms this writ petition being **WPA 12624 of 2008** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)