

09.
02.08.2022.
Ct. No. 17.
F.B.

WPA 12496 of 2016

Jiwan Kumar Sadhu & Ors.
-Vs.-
Eastern Coalfields Limited & Ors.

Mr. Siddhartha Banerjee,
Mr. Soumajit Majumder
..... For the Petitioners.

Mr. Alok Kumar Banerjee,
Mr. Saptarshi Mukherjee,
Mr. Pradyot Kumar Das
..... For the ECL.

Party/parties is/are represented in the order of
their name/names as printed above in the cause title.

By an order dated July 26, 2022, Mr. Kumar,
Learned Counsel was appointed on behalf of the
Respondents/Eastern Coalfields Limited (ECL) since the
advocates appearing on behalf of the Company neither
appeared on June 30, 2022 nor appeared on July 26,
2022.

After passing of the said order, this matter was
mentioned before this Court at a subsequent date when
it was submitted by Mr. Mukherjee that M/s. Fox and
Mondal was already engaged to represent the
Respondents/ECL. He prayed for regularisation of the
appointment of Mr. Pradyot Kumar Das, Learned

advocate of M/s. Fox and Mondal and Company. Since Mr. Das already has the Vakalatnama to represent the Respondents/ECL, let his appearance be regularised. Inconvenience caused by Mr. Kumar is regretted.

Mr. Siddhartha Banerjee, Learned Counsel, appears for the writ petitioners and submits that lands have been acquired by way of purchase by the Respondents/ECL in the year 1990-91 from the writ petitioners. Under the guidelines of the Respondents/ECL prevailing at that time, the erstwhile land owners were not only entitled to compensation but also to employment.

He submits that various representations since 1996 were made from time to time before the Respondents/ECL. The last of such representation was made in February, 2016. Such a representation has not yet been considered by the Respondent No.3.

Mr. Alok Kumar Banerjee, Learned Counsel, appearing for the Respondents/ECL, submits that on merits the writ petitioners are not entitled to be considered for employment. He further submits that the representations have been made at a very belated stage by the writ petitioners.

Having considered the rival submissions of the parties and the materials on record, I find that the first

representation was made by the Koyala Mazdoor Congress on behalf of some of the writ petitioners in 1996. I am of the opinion that the delay in this case is not so significant to defeat the relief to the writ petitioners, if otherwise entitled in law.

In the circumstances, I direct the Respondent No. 3/the General Manger, Kajora Area, ECL to consider the representation dated February 19, 2016 of the writ petitioner nos. 1, 3 and 5 as per the extant rules with an opportunity of hearing given to the writ petitioners and/or their representatives. The said representation will be disposed of by way of a reasoned order within eight weeks from date.

All points taken in the writ petition are to be kept open while considering of the representation dated February 19, 2016.

The writ petition being **WPA 12496 of 2016** is **disposed of.**

All parties to act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)