

OD-3

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

RVWO/13/2022
WITH
APOT/47/2021
WPO/300/2020
IA No. GA/1/2022

EASTERN COALFIELDS LTD.

VERSUS

PURNABASI BEHERA AND ORS.

BEFORE:

The Hon'ble JUSTICE SUBRATA TALUKDAR
AND

The Hon'ble JUSTICE KRISHNA RAO

Date : 05th August, 2022.

Appearance:
Ms. Tanushree Dasgupta , Adv.
... for the ECL.

Mr. Partha Ghosh, Adv.
Mr. A. Kumar Datta, Adv.
Mr. R. Agarwala, Adv.
Ms. S. Sureka, Adv.
Ms. Ria Paul, Adv.

... for the respondents.

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

Ms. Dasgupta, learned Counsel appears in support of the review application being RVWO/13/2022. Ms. Dasgupta also appears in support of the connected application being GA/1/2022 filed by the

review applicant, i.e. the Eastern Coalfields Limited (ECL). Ms. Dasgupta submits that in essence the prayer is for modification of the judgment and final order of this Court dated 16th May, 2022.

This Court, by the order dated 16th May, 2022, upheld the findings of the Hon'ble Single Bench directing the review applicant/the ECL to consider the case of the writ petitioner/the respondent to the review application for grant of monetary compensation. Ms. Dasgupta submits that the modification is sought for today to the effect that the writ petitioner is also eligible for employment under the ECL. It is submitted that on grounds of age the writ petitioner can be offered the employment at this stage by ECL.

It is, therefore, submitted that the final order dated 16th March, 2022 be accordingly modified to exclude the consideration for grant of monetary compensation in favour of the writ petitioner and replace it with an offer of employment from ECL upon fulfilment of all other formalities.

Mr. Ghosh, learned Counsel appearing for the writ petitioner, submits that the prayer made by the review applicant would amount to changing the basis of the reasoning of the Hon'ble Court as recorded in the order dated 16th March, 2022. It is submitted that the review applicant/ECL had earlier dismissed the claim of the writ petitioner to employment on the ground of overage.

It is submitted by way of seeking modification of the order dated 16th March, 2022, ECL cannot be allowed to approbate and reprobate from its own actions.

Having heard the parties and considering the materials placed, this Court is not persuaded that the grounds for review of the judgment and final order dated 16th March, 2022 have been made out in the review application.

The grounds relied upon by the review applicant at the hearing today have also been discussed in the judgment and order dated 16th March, 2022 on presentation of the original facts.

Accordingly, there can be no change in the directions of this Hon'ble Court as passed on the 16th of March, 2022.

For the above reasons, **RVWO/13/2022** and **GA/1/2022** stand **dismissed**.

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

(KRISHNA RAO, J.)

(SUBRATA TALUKDAR, J.)