

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25449 of 2022

Lingaraj Pradhan

....

Petitioner

-versus-

GM, MCL, Jharsuguda & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

30.09.2022

Order No

- 02.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. Sanjat Das, learned counsel for the Petitioner and Mr. Debaraj Mohanty, learned counsel appearing for the Mahanadi Coalfields Ltd.
3. The present writ Petition has been filed with the following prayer:-

“In these circumstances, it is humbly prayed by the petitioner that this Hon'ble Court may be graciously pleased to issue notice to the opposite parties and after hearing all the parties be pleased to set-aside the notice dt- 8.4.2022 under Annexure-, by issuing writ of mandamus or any other writs.

And pass such other Order(s), Direction(s) as deem fit and proper.

And for which act of kindness the petitioners as in duty bound shall ever pray.”

4. Even though it is submitted that the Petitioner taking into account his date of birth has not attained the age of 60 years and accordingly he is not eligible to take retirement from his service, but Mr. Mohanty, learned counsel appearing for the MCL submitted that as per the documents available with the Company, the Petitioner has already attained the age of superannuation.

5. Since the matter relates to disputed question with regard to the date of birth of the Petitioner, this Court is not competent to decide the same in exercise of writ jurisdiction.

6. However, Mr. Das, learned counsel for the Petitioner submitted that in the meantime the Petitioner has already approached the Regional Labour Commissioner (Central) by filing Industrial Dispute under Sec. 2-A of the Industrial Dispute Act under Annexure-8. It is open for the Petitioner to move the said forum for redressal of his grievance.

7. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha