

05.12.2023
Court No. 13
Item No. 13
AP

**WPA 10545 of 2023
With
IA NO: CAN 1 of 2023**

**Tapan Kumar Bhakta
Vs.
The Coal India Limited and Ors.**

Mr. Shuvro Prakash Lahiri
Mr. Kunal Ganguly

... For the Petitioner.

Ms. Priti Banerjee

... For the ECL.

1. Although this writ petition ought not to have been entertained since the writ petitioner is a “Workman” covered by the Wage Board of the Eastern Coalfields Limited, the following order is passed because the writ petition was entertained by a Coordinate Bench.

2. Counsel for the Eastern Coalfields Limited has obtained instructions indicating that the Medical Board on 6th October, 2023 declared the writ petitioner fit for duty in the designated job as Production cum Safety Assistant (PSA) in the underground i.e. in the mines.

3. Learned counsel for the State has produced an email before this Court, and the same is taken on record.

4. The petitioner may join the post. Stay already granted by this Court on the show-cause issued to the writ petitioner in contemplation of departmental proceedings, shall stand vacated. The departmental proceedings may continue in accordance with law. Any further remedy

thereagainst may be sought before the Industrial Tribunal under the Industrial Disputes Act, 1947.

5. The prayer for any arrears of pay may also be made before an appropriate authority under the Act of 1947 and may be decided as per law.

6. The petitioner's joining in the underground post of PSA and departmental proceedings shall abide by the rules applicable to the service of the writ petitioner.

7. With the aforesaid directions, the writ petition is disposed of.

8. In view of the disposal of the main writ petition, connected pending applications, if any, shall also stand disposed of.

9. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)