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18.08.2023  
D.Hira  
Court No. 12

**In The High Court At Calcutta  
Civil Appellate Jurisdiction  
Appellate Side**

**MAT 916 of 2023  
With  
CAN 1 of 2023**

**Eastern Coalfields Limited  
Versus  
Union of India & Ors.**

**Mr. Manik Das,  
Ms. Priti Banerjee.  
... for the appellant**

**Mr. Lakshman Halder,  
Mr. Balaram Patra.  
... for the respondent no. 6**

The appellant has come out with the present appeal, in view of the learned Single Judge, not granting stay of the award dated 21<sup>st</sup> March, 2017 made in Reference No. 20 of 1999. The respondent nos. 5 & 6 raised dispute and the respondent no. 1 referred the dispute to the respondent no. 2. The respondent no. 2 passed an award dated 21<sup>st</sup> March, 2017 holding that action of the appellant in not providing employment to the dependent son-in-law of the employee is illegal and he is entitled for employment.

The appellant filed the present writ petition being W.P. No. 3451 (W) of 2023, challenging the award.

By the order dated 27<sup>th</sup> March, 2023, learned Single Judge granted two weeks time to the respondents to file affidavit-in-opposition and permitted the appellant to file reply, if any, within three weeks thereafter.

In the said order, the learned Single Judge has stated that pendency of the writ petition shall not act as a stay in respect of the award dated 21<sup>st</sup> March, 2017 passed by the respondent no. 2, arising out of Reference No. 20 of 1999.

Challenging the said portion of the order dated 27<sup>th</sup> March, 2023, the appellant has come out with the present appeal.

Learned counsel appearing for the appellant made various submissions on merits. The grievance of the appellant is that unless order staying the award is granted, the writ petition will become infructuous and the learned Single Judge has not given any reason for not granting stay of the award.

Learned counsel appearing for the appellant further submitted that the appellant earlier filed the writ petition being W.P. No. 16466 (W) of 2018 challenging the very same award. The said writ petition was withdrawn by the appellant and this Court dismissed the said writ petition on 8<sup>th</sup> March, 2019. When the appellant asked the respondent no. 6 to submit the necessary documents. It was found that the respondent no. 6 played fraud before the respondent no. 2 and obtained the award.

In view of the same, he prayed for allowing the appeal and grant stay of the award.

Heard Mr. Manik Das, learned counsel appearing for the appellant and Mr. Lakshman Halder and perused the entire materials on record.

From the materials on record and arguments of learned counsel appearing for the appellant it is seen that the appellant has filed the writ petition in the year 2018 being W.P. No. 16466 (W) of 2018. The said writ petition was dismissed by this Court by the order dated 8<sup>th</sup> March, 2019 as withdrawn. Subsequently, the appellant has filed the present writ petition only in the year 2023 after six years challenging the award dated 21<sup>st</sup> March, 2017 made in Reference No. 20 of 1999.

On 27<sup>th</sup> March, 2023 at the time of hearing, the learned Single Judge granted two weeks time to the respondent no. 6 to file affidavit-in-opposition and granted time to the appellant to file reply, if any, within three weeks thereafter.

Learned Single Judge also given liberty to the parties to mention the matter for hearing after completion of the period for exchange of affidavits. The appellant has approached this Court after six years of the award.

In view of same, the appellant is not entitled to any interim order of stay of award without any affidavit-in-opposition filed by the respondent no. 6.

Learned Single Judge has given liberty to the parties to mention the matter after completion of the period for exchange of affidavits. The said order is dated 27<sup>th</sup> March, 2023.

Learned Single Judge has granted five weeks time for both the respondent no. 6 as well as the appellant for exchange of affidavits-in-opposition and affidavits-in-reply. Now five months have lapsed. It is open to the

appellant to mention before the learned Single Judge for early hearing of the writ petition.

It is made clear that this Court has not expressed anything on merits of the appeal.

With the above observations, the appeal is dismissed.

The department is directed to post W.P. No. 3451(W) of 2023 before the concerned Bench for early hearing.

All pending applications, if any, are consequently disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

**(V.M. Velumani, J.)**

**(Rai Chattopadhyay, J.)**