

17-11-2023

ct no. 13

Sl. 22

sp

WPA 22939 of 2023

Sujoy Banerjee & Ors.

-Versus-

The Union of India & Ors.

Mr. K.M. Hossain

...for the petitioners

Mr. Manik Das

... for the respondent nos. 2 to 5

1. The petitioner is the son of late Maloy Kumar Banerjee, who was an ex-employee of the Eastern Coalfields Ltd. The said Maloy Kumar Banerjee was proceeded departmentally for misconduct and his service was terminated. Parallel proceeding for the same incident also accused against another employee, namely, Subhas Sinha, who was also terminated.
2. Both Maloy Kumar Banerjee and Subhas Sinha challenged the order of termination and disciplinary proceedings in independent writ petitions before this Court. Both of them succeeded independently and the proceedings was quashed. In the case of Subhas Sinha, the appeal preferred by the ECL was also dismissed.
3. However, in the case of the petitioner's father Maloy Kumar Banerjee, FMA 3938 of 2014

has been admitted and the order of the Single Bench has been stayed. The appeal is still pending.

4. Since the appeal in the case of Subhas Sinha has failed, the ECL entered into a settlement with him and has paid him 75% of the admissible dues. The petitioner wants that his father's employment should also be treated as that of said Subhas Sinha. The petitioner has enclosed, along with the writ petition, several calculations and certain internal documents of the ECL. As to how the petitioner has come into custody of these documents remains unexplained.
5. The petitioner cannot claim any vested right against the ECL of any settlement when the FMA 3938 of 2014 is pending and the order setting aside the termination has been stayed by a Division Bench of this Court.
6. Counsel for the ECL has submitted in no uncertain term that the ECL has no intention to settle with the petitioner on account of his late father's employment.
7. In that view of the matter, no relief can be granted to the petitioner. The disposal of the writ petition shall, however, not prevent the parties from arriving at any settlement in accordance with law.

8. With the aforesaid observations, the writ petition shall 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.)