

19.10.2023
rpan/16

MAT 2072 of 2023
+
IA No.: CAN No. 1 of 2023
Koyala Mazdoor Congress
– Versus –
Union of India & Others

Mr. Gobinda Kar
... for the Appellant.
Mr. Shamit Sanyal,
Ms. Monika Roy
... for the Coal India Ltd./Respondents.

The present appeal has been preferred challenging the order dated 4th October, 2023 passed by the learned single Judge in a writ petition, being WPA 22598 of 2023.

Mr. Kar, learned advocate appearing for the appellant/writ petitioner submits that by the order impugned the learned single Judge refused to grant the interim order, as prayed for by the writ petitioner/appellant. According to Mr. Kar, the respondents issued a notification dated 1st August, 2023 inviting applications from departmental employees upon incorporating experience criteria which were not there in the previous selection process. Such incorporation of experience criteria is also contrary to Clause 3.1 of the Common Coal Cadre. Mr. Kar submits that in terms of the notification the authorities are going to hold Computer Based Test on 24th November, 2023 and accordingly prays for an interim protection. In support of the argument Mr. Kar has placed reliance upon an unreported judgment delivered in the case of *Ravindra Shyamrao Wadhai & Ors.*

Vs. Coal India Ltd. & Ors. [APO 368 of 2017 :: WP 1064 of 2015].

Mr. Sanyal, learned advocate appearing for the Respondents/Coal India Ltd., however, contends that by the notification applications were invited from the eligible employees for promotion to executive cadre in sixteen disciplines. In the writ petition filed by the Koyala Mazdoor Congress (in short, the union) it has not been disclosed how many members of the union would be affected by such selection process.

In reply, Mr. Kar has not been able to answer our query as to how many members of the union would be affected by the said notification.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

The writ petitioner is a union. It has not been disclosed in the writ petition as to how many members of the said union would be affected by the experience criterion towards the respective disciplines as incorporated in the notification dated 1st August, 2023. The judgment in the case of *Ravindra Shyamrao Wadhai & Ors. Vs. Coal India Ltd. & Ors.* (supra) is also distinguishable on facts. In the said conspectus, we do not find any infirmity in the order impugned in the present appeal by which leave was granted to the appellant/writ petitioner to file a supplementary affidavit disclosing the names of the members of the union and the learned single Judge was

also pleased to fix the matter for further consideration as 'Motion' on November 28, 2023.

Accordingly, the appeal and the connected application are dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Siddhartha Roy Chowdhury, J.) (Tapabrata Chakraborty, J.)