

13.09.2023
SL-7 & 8
Ct.11
(S.R.)

WPCT 310 of 2016
with
CAN 2 of 2021
Steel Authority of India Limited
v.
Steel Executives Federation of India & Ors.
and
WPCT 40 of 2023
Steels Executives Federation of India & Anr.
v.
Union of India & Ors.

Mr. Soumya Majumdar ... for the petitioner.
(in WPCT 310 of 2016)

Mr. Abhratosh Majumdar
Mr. Debasis Lahiri
Mr. Barun Chatterjee
Mr. Anuran Samanta
... for the respondent nos.1 & 2.
(in WPCT 310 of 2016)

Mr. Abhratosh Majumdar
Mr. Debasis Lahiri
Mr. Barun Chatterjee ... for the petitioners.
(in WPCT 40 of 2023)

Mr. Soumya Majumdar ... for the respondents.
(in WPCT 40 of 2023)

Mr. Arabinda Sen
Ms. Sarda Sha ... for the UOI.
(in both the writ petitions)

The writ petition being WPCT 310 of 2016 has been preferred by Steel Authority of India Limited (in short, SAIL) challenging an order dated 15th February, 2016

passed by the learned Tribunal in an original application being OA 350/00191/2014 preferred by the Steel Executives Federation of India and another challenging, *inter alia*, an order dated 23rd August, 2013 passed by the Secretary to the Government of India, Ministry of Heavy Industries & Public Enterprises, Department of Public Enterprises.

The writ petition being WPCT 40 of 2023 has been preferred by the Steel Executives Federation of India and another being the applicants in the original application being OA 350/00191/2014 challenging an order dated 13th December, 2022 passed by the learned Tribunal refusing to entertain a miscellaneous application filed by the said applicants, *inter alia*, praying for execution of the order dated 15th February, 2016.

As both the above writ petitions being nos. WPCT 40 of 2023 and WPCT 310 of 2016 pertain to the original application being OA 350/00191/2014, the same are taken up for hearing together.

Mr. Soumya Majumdar, learned advocate appearing for SAIL being the writ petitioner in WPCT 310 of 2016 submits that the direction upon the concerned Ministry to consider the claim of the petitioners in WPCT 40 of 2023 would be an exercise in futility since their claim was earlier considered and refused giving appropriate reasons.

He argues that the learned Tribunal failed to

appreciate that the issue was of revision of allowances and not of pay, as would be explicit from the contents of the memorandum dated 2nd April, 2009.

Per contra, Mr. Abhratosh Majumdar, learned advocate appearing for the petitioners in WPCT 40 of 2023 submits that the SAIL authorities are estopped from challenging the order of the learned Tribunal by which the petitioners' claim has been directed to be reconsidered inasmuch as the self-same authorities have recommended the claim of the petitioners earlier, as would be explicit from the documents annexed at pages 40 and 46 of the affidavit-in-opposition filed in WPCT 310 of 2016.

Ms. Sarda Sha enters appearance on behalf of the Union of India and submits that the direction of the learned Tribunal contained in the order dated 15th February, 2016 could not be complied with as yet since the said order is under challenge in the pending writ petition being WPCT 310 of 2016.

We have heard the learned advocates appearing for the respective parties and considered the materials on record. Let the affidavits exchanged by the parties be kept on record.

By the order dated 15th February, 2016, the learned Tribunal directed the concerned Ministry to reconsider the claim of the applicants in the original application being OA 350/00191/2014. However, such direction has not

been challenged by the Union of India.

In the order dated 15th February, 2016, the learned Tribunal considered the arguments as advanced on behalf of the respective parties and arrived at a finding that there was no dispute that Rastriya Ispat Nigam Limited (in short, RINL) and SAIL were government entrepreneurs governed by the same Ministry and that no explanation was forthcoming as to why a distinction was drawn between the employees of SAIL and the employees of RINL and in the said conspectus, the Ministry was directed to reconsider the issue within a specified period and to take an appropriate decision of payment of revised perks and allowances to the members of the Steel Executives Federation of India and all similarly situated persons from the date of issuance of the OM dated 26th November, 2008 that is the date made applicable in case of RINL. We do not find any infirmity in such directions. The learned Tribunal upon dealing with the factual issues arrived at a specific finding and we do not find any patent error of law in the same.

Accordingly, the writ petition being WPCT 310 of 2016 is dismissed. Other connected applications, if any, are also disposed of.

Records reveal that the writ petition being WPCT 310 of 2016 was admitted for hearing by a Coordinate Bench of this Court by an order dated 7th august, 2017

and the parties were directed to exchange their affidavits. However, the order impugned in the said writ petition was not stayed. In view thereof, we do not find any reason as to why the learned Tribunal declined to entertain the miscellaneous application preferred for execution of the order dated 15th February, 2016.

Accordingly, the writ petition being WPCT 40 of 2023 is allowed setting aside the order dated 13th December, 2022 passed in Miscellaneous Application being MA 836 of 2022 preferred in connection with the original application being OA 350/00191/2014.

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

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)