

CC No. 36 of 2018
with
APO No. 368 of 2017
WP No. 1064 of 2015
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION

Ramanuj Prasad & Ors.
Versus
Anil Kumar Jha,
Chairman-cum-M.D., Coal India Ltd. & Ors.

Before:
The Hon'ble Justice I. P. MUKERJI
And
The Hon'ble Justice MD. NIZAMUDDIN
Date: 17th March 2023

Appearance:
Mr. Anujit Mookherji, Advocate
for the applicants
Mr. Arunabho Ghosh, Advocate
for the respondents

The Court: The appeal (APO 368 of 2017) arising out of the writ application (WP No. 1064 of 2015) was allowed by an order of a division bench on 22nd December 2017 setting aside the order of the learned single judge dated 1st March 2017. It granted orders in terms of prayers (a) and (b) of the writ petition and observed that the benefit of the resolution of the board of directors taken on 30th January 2012 and communicated by the office order dated 22nd March 2012 would be deemed to be applicable to the appellants from the same date and in the same manner it has been made applicable to the direct recruits in the E-1 cadre.

Prayers (a) and (b) of the writ petition are as follows:

- “(a) A writ in the nature of Mandamus calling upon the respondent authorities and their man and agents to provide equal benefits following the office order No. CIL/C-F5A(PC)/CCC/42, dated 22nd March, 2012, Coal India Limited and all consequential benefits to the petitioners retrospectively;
(b) A writ in the nature of Mandamus calling upon the respondent authorities and their men and agents to

recalculate the basic pay of the petitioners after protecting their basic pay drawn as wage board employee forthwith;"

It is an admitted position that the appellants/petitioners have been promoted to the E-1 cadre and are receiving pay, allowances and all consequential benefits payable to officers in that cadre. Their pay has also been recalculated although there is a dispute with regard to such recalculation.

Their grievance is that the calculation of pay has been done notionally and that actual payment is being made prospectively. They claim arrear salary and benefits on the strength of such order passed by the division bench of this court.

We observe that the order did not have any retrospectivity and that the decision of the alleged contemnors in compliance with the said order cannot be faulted.

However, we will not hesitate to add that the question whether the appellants/petitioners were entitled to the benefit retrospectively was not gone into by this court in its order dated 22nd December, 2017.

Therefore, all questions on calculation of pay, its effect notionally or actually, and its application retrospectively are kept open for the appellants/petitioners to be agitated in an appropriate forum.

This contempt application (CC No. 36 of 2018) is disposed of accordingly.

(I. P. MUKERJI, J.)

(MD. NIZAMUDDIN, J.)