



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.2911 OF 2022

(The Manager (Mining), Project & Planning Western Coalfields Ltd., Nagpur Vs.
 Naresh s/o Manik Mandaokar and others)

*Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.*

Court's or Judge's orders.

 Mr. C. S. Samudra, Advocate for Petitioner.

CORAM: ANIL S KILOR, J.

DATE: 26th SEPTEMBER, 2023.

CIVIL APPLICATION (W) NO.2879/2023:

For the reasons stated in the application, the application is allowed and thereby the petitioner is permitted to delete the name of respondent No.3 from the array of the parties.

2. The amendment be carried out forthwith.

WRIT PETITION NO.2911/2022:

The order dated 29.06.2021 passed by the Special Tribunal, Nagpur in Compensation Case No.75/2017 is under challenge to the extent that the Tribunal has directed the petitioner to provide employment to the respondent within a period of three months from the date of service of certified copy of the impugned order.

2. While pointing out that the Tribunal has no authority to issue such directions, the learned counsel for the petitioner Mr. Samudra has placed reliance on a judgment of Coordinate Bench of this Court passed in bunch of first appeals on 03.07.2023 wherein the Court has held

thus:

47. Thus, perusal of the provisions under the CBA Act, shows that except determining the amount of compensation, that is also just compensation and determining the rightful owner to receive the compensation, no other jurisdiction is given to the Tribunal under the CBA Act. The language of Section 14(5) of the CBA Act indicates clearly that while deciding the dispute, the Tribunal has to determine the amount of compensation and specify the person or persons to whom the compensation has to be paid. The specific word “amount” connotes that the Tribunal has to determine the entitlement of just value of the compensation and not the other aspects. Even the Tribunal has no power to enter into the aspect of determining the title of the property. It is an admitted position that in some of matters dispute regarding the title was pending.

3. In view of the above referred observations of the Coordinate Bench of this Court, I have no hesitation to hold that the directions issued by the Tribunal to provide employment to the respondent within three period months from the date of the order is beyond the scope of the jurisdiction of the Tribunal. Accordingly, the writ petition is allowed. The impugned order dated 29.06.2021 passed by the Tribunal is hereby quashed and set aside to the extent of clause (iii).

(ANIL S. KILOR, J.)