

21.06.2024
SI No.9
Court No.29
(gc)

**CRC 6 of 2024
In
MAT 1630 of 2023
CAN 3 of 2024**

**Lakha Hari & Anr.
Vs.
Samiran Dutta, Chairman cum Managing
Director, Eastern Coalfields Ltd. & Ors.**

Mr. Nirmalendu Ganguly,
Mr. A.N. Chakraborty
...for the Petitioners.
Mr. Biswaroop Bhattacharya,
Ms. Priti Banerjee
...for the Alleged Contemnors.

1. The report filed by the department shows that due to non-availability of alleged contemnor no.2, the rule was received on his behalf by Mr. Tarun Mandal (GM's Secretariat). However, Mr. Ramesh Chandra Mahapatra, General Manager, Jhanjra area, Eastern Coalfields Limited is personally present.
2. On 14th June, 2024, an application being CAN 3 of 2024 was filed by Ramesh Chandra Mahapatra for recalling of the order. However, surprisingly it was affirmed by one Sri Rangan Chanda on behalf of the said applicant and in the said affidavit he has stated that paragraphs 1-

8, 10 and 12 are true to his knowledge. The said application cannot be treated to be an application filed by Ramesh Chandra Mahapatra for recalling of the order as the rule was issued in his name and he could not have delegated his authority to someone else for recalling of the rule. Moreover, there are sufficient material to indicate that there has been a complete non-application of mind in the order and we are now convinced that we were justified in issuing rule as the order passed by Mr. Mahapatra refers to Clause 6.5.2 of NCWA-10 which is not the applicable rule as we have shown a different rule to justify the action of the ECL. We are not concerned with the said rule as the said rule was never referred in the impugned order.

3. Consequently, we expect that the General Manager to have the capacity to understand our order as we have clearly directed the General Manager to consider the application for compassionate appointment on the basis of the report filed by the Medical Board of SSKM and we were for the benefit of the General Manager set

out the relevant portion in the order. It was, thus, not open for the General Manager to come to a conclusion that since the reports of the Company Medical Board and the Apex Medical Board of ECL were not expressly set aside so the General Manager can still rely upon the said two reports to reject the claim of the petitioners.

4. The alleged contemnor has personally tendered unconditional apology in not complying with our order. We accept the said apology and caution him that in future he should be more diligent and careful in complying with Court directions.
5. In view of the admitted position that our order has not been complied with, the order dated 11th April, 2024 is set aside.
6. However, the monetary benefits extended to the petitioners shall continue.
7. The time to consider the representation of the petitioners in terms of our order dated 28th February, 2024 is extended by two weeks from date.
8. Rule stands discharged.

9. Accordingly, the contempt application and the recalling application are disposed of.

(Soumen Sen, J.)

(Uday Kumar, J.)