

23 20.02.2024

Ct-08

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MAT 1614 of 2022

with

IA No. CAN 1 of 2022

Prabir Changdar

Vs.

Eastern Coalfields Limited & Ors..

Mr. Meghnad Dutta

Mr. Abhishek Shaw

... For the Appellant

Syed Nurul Arefin

Syed Moyeeul Arefin

Ms. Rashmi Binayak

... For the ECL Authorities

1. We have heard the learned counsel appearing for the parties.

2. A Coordinate Bench on 25th January, 2024 passed an interim order to the effect that the petitioner/appellant shall attend office of the respondent no. 4 on 1st February, 2024 and the Respondent no. 4 was directed to allow the appellant to join the concerned post on the said date and assign necessary duties. The Coordinate Bench has also recorded the submission made on behalf of the respondents that the disciplinary proceeding was initiated against the appellant, however, the appellant is not under suspension.

3. Mr. Meghnad Dutta, learned counsel representing the appellant, submits that on the basis of the said order the appellant has joined his duty and is presently performing his duties.

4. Mr. Arefin, learned counsel representing the ECL respondents, however, submits that by reason of nature of duty he is required to undergo a periodic medical examination, which the petitioner has refused. However, Mr. Dutta submits that due to lack of instruction he is unable to respond to it. It is needless to mention that in the event the petitioner is required to undergo a periodical medical examination, he shall apply before the authorities concerned and he shall participate in the said proceeding.

5. With the aforesaid observation and preserving the rights of the parties with regard to the maintainability of the writ petition and merits of the writ petition, as recorded in the order dated 25th January, 2024, the appeal stands disposed of.

6. In view of disposal of the appeal nothing remains to be decided in the application for stay being CAN 1 of 2022 and the same is accordingly disposed of.

7. However, there shall be no order as to costs.

8. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)

