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06.08.2024
S.D.
Ct. No. 26

**M.A.T. 2504 of 2023
With
CAN 1 of 2024**

**General Manager (P & IR),
Eastern Coalfields Limited
Vs.
Nirmal Sengupta & Ors.**

Mr. Shankar Prasad Dalapati
Mr. Pritam Choudhury
Ms. Priti Banerjee
...for the Appellant

Mr. Partha Ghosh
Mr. Amal Kumar Datta
Ms. Simran Sureka
Ms. Debashis Das
...for the respondent no. 1

Report as called for by the order dated August 2,
2024 from the department is on record.

Department is requested to ensure that adequate
number of Oath Commissioners are present prior to the
commencement of the sitting of the Court so that litigants
are not inconvenienced.

By an order dated June 26, 2024, we called upon the
Chairman cum Managing Director of Eastern Coalfields

Limited to submit a report with regard to five queries noted in paragraph 15 of such order.

We were informed on July 11, 2024 that Eastern Coalfields Limited preferred a Special Leave Petition directed against the order dated June 26, 2024. Consequently, we allowed three weeks time.

Matter was taken up subsequently. Prayer for adjournment was made on behalf of ECL on the ground that the Chairman was not in Station and, therefore, was not in a position to comply with the order dated June 26, 2024. We permitted time for compliance. However, no order was passed in writing.

Thereafter, on August 2, 2024, the matter was taken up when it was complained that although the Chairman was in Court, due to the absence of the Oath Commissioner, the order dated June 26, 2024 could not be complied with. We called for a report from the department. We also adjourned the matter.

The matter is taken up today. Affidavit of the Chairman affirmed pursuant to the order dated June 26, 2024 be taken on record.

At the bar, it is submitted that, the grievances of the writ petitioner stand redressed.

Writ petitioner is represented. No objection is taken with regard to such statement.

We perused the affidavit of the Chairman. Chairman ultimately tendered unconditional apology on behalf of the two officials involved and requested for mercy.

Impugned order records the conduct of the two officials involved. There are justifiable grounds for the learned Single Judge to issue the directions as noted in paragraph 18 of the impugned order.

The affidavit affirmed by the Chairman pursuant to the order dated June 26, 2024, however, contains an apology by the Chairman on behalf of the two employees concerned. No doubt, the Chairman will take appropriate and suitable measures so that the incidents such as these are not repeated on behalf of the organization. We hope and trust that the Chairman puts in place appropriate mechanism to ensure that.

In view of such apology being tendered at the highest level of the organization, we deem it appropriate that the organization need not record the directions as contained in paragraph 18 of the impugned order in the service records of the two employees concerned.

However, those two employees are put on notice that any further infraction on their part will not only revive such directions as contained in the impugned order but they will also be appropriately dealt with.

M.A.T. 2504 of 2023 along with the connected application are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)