

24.11.2025
Court: 02
Item No. 07
(Suvendu)

WPA 9901 of 2025

Kalyan Kumar Mukherjee
-Versus-

Coal India Limited & Ors.

Mr. Victor Chatterjee
.....for the petitioner

Mr. S.M. Obaidullah
Mr. Nikhil Kr. Roy
.....for the BCCL

Mr. Nikhil Kumar Roy
Mr. Saptarse Mazumder
....for the respondents

1. Writ petition is heard in presence of learned advocates representing the petitioner, Bharat Coking Coal Limited (for short, "BCCL") and Coal Indian Limited.

2. By presenting this writ petition apprehension has been expressed by the petitioner based on order of punishment dated 28th September, 2021 and subsequent clarification offered by Chief Manager (Personnel) of BCCL clarifying the effect of said punishment order dated 28th September, 2021.

3. According to the petitioner, if this clarification dated 10th April, 2024 is accepted effect of punishment of stoppage of interment would continue till retirement of the petitioner

resulting in denial of right of the petitioner to be promoted to next higher grade.

4. However, learned advocates representing BCCL and Coal India Limited have jointly submitted that considering the order of punishment dated 28th September, 2021 as well as clarification offered by the Chief Manager (Personnel) of BCCL dated 10th April, 2024, effect of punishment will not be stretched upto the end of service-tenure of the petitioner. Therefore, on completion of one year after passing punishment order dated 28th September, 2021 there is no impediment in considering promotion of the petitioner in accordance with law. In this regard, a letter dated 26/31 December, 2024 issued by the Deputy General Manager (P/EE) of BCCL addressed to the petitioner which is at page 33 of the writ petition is relied upon.

5. On perusal of said letter at page 33 of the writ petition, it appears that petitioner was advised to apply for promotion from non-executive grade to E-1 grade.

6. Considering the submissions made on behalf of BCCL and Coal India Limited, it can be inferred that effect of punishment order dated 28th September, 2021 cannot be stretched beyond one year from date of issuance of said

punishment order and as such petitioner is entitled to be promoted to the next higher grade in accordance with law.

7. Therefore, apprehension which is expressed by the petitioner by filing this writ petition is not well-founded.

8. With the aforesaid observation, writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)