

(2013) 07 JH CK 0159
In the Jharkhand High Court
Case No : L.P.A. No. 352 of 2012

Pelong Devi

APPELLANT

Vs

Central Coalfield Limited and Others

RESPONDENT

Date of Decision : 18-07-2013

Acts Referred:

Citation : (2013) 07 JH CK 0159

Hon'ble Judges : Prakash Tatia, C.J; Aparesh Kumar Singh, J

Bench : Division Bench

Advocate : M.M. Pal, Mahua Palit and Ruby Pandey, for the Appellant; Amit Kr. Das, for the Respondent

Final Decision : Dismissed

Judgement

1. Heard counsel for the parties. This L.P.A. has been preferred by the widow of the deceased employee-Samu Munda. For convenience, the claimant-workman is referred to herein as appellant.

2. The appellant is aggrieved against the order dated 30.7.2012 passed in W.P.S. No. 4890 of 2004 by which the writ petition has been rejected. Though it appears that on different ground the writ petition was dismissed, but before us learned counsel for the appellant argued on different issues like the petitioner was initially appointed as piece rated employee in the year 1984 and since 1987 he was working as time rated employee and during this period he was assigned work of switch board attendant. However, in the year 2000 by order dated 20.11.2003 the petitioner was regularized on the post of time rated employee on initial pay of Category-I.

3. The contention of the appellant before us is that the appellant was getting less salary whereas the respondents seriously disputed this fact from the documents placed on record at page 56 of the memo of appeal and submitted that in fact the appellant was getting salary more than what he has shown. Several disputed questions of facts have been raised. Petitioner is also claiming difference of

wages from the year 1991 onwards.

4. In the counter affidavit the respondents have quoted one issue sent to the Labour Court in Industrial dispute, which is as under:-

Whether the demand of the Union from the Management of Religha Colliery of M/s. CCL for proper regularization and fixation of wages in respect of Sri Bikunji Lal and 63 others (as per list) time rated workers taking into account the category in which they were working and the wages being paid to them before such regularization is legal and justified? If not, to what relief are these concerned workmen entitled and from which date?

5. Learned counsel for the appellant submitted that in fact the industrial dispute was dropped because of the fact that Labour court found no dispute.

6. In the totality of facts of the case it appears that there are so many disputed question of facts sought to be raised and particularly with respect to what wages petitioner was getting, which is being seriously disputed by the respondents in support of his argument.

7. In view of the reasons stated herein above, we are of the considered opinion that the there is no illegality in the impugned order and in fact in addition to above like the arguments advanced before us, we found that there are several disputed questions of facts. This appeal having no merit is dismissed.