(2020) 01 JH CK 0275

In the Jharkhand High Court

Case No : Letter Patents Appeal No. 159, 708, 733 Of 2018, 271 Of 2014, 417, 427, 428, 429, 430, 432, 490 Of 2016, 495, 561 Of 2017, W.P.(S) No.6113 Of 2010

Steel Authority Of India APPELLANT

Vs

Sada Nand Singh And Ors RESPONDENT

Date of Decision : 20-01-2020

Acts Referred:
Limitation Act, 1963 — Section 5

Citation : (2020) 01 JH CK 0275

Hon'ble Judges : Dr. Ravi Ranjan, CJ, Sujit Narayan Prasad, J

Bench : Divison Bench

Advocate : Indrajit Sinha, Prashant Kr. Singh, Bibhash Sinha, Manoj Tandon, Bhola Nath Ojha, Birendra Kumar, Kumar Sundaram, Kumari Rashmi

Final Decision : Disposed Of

Judgement

Dr. Ravi Ranjan, C.J

I.A. No. 10603 of 2019 in L.P.A. No.733 of 2018, I.A. No. 6945 of 2019 in L.P.A. No. 159 of 2018, I.A. No.8678 of 2017 in L.P.A. No. 561 of 2017 & I.A. No.8484 of 2017 in L.P.A. No. 495 of 2017

I.A. No. 10603 of 2019, I.A. No. 6945 of 2019, I.A. No.8678 of 2017 and I.A. No.8484 of 2017 have been preferred under Section 5 of the Limitation Act for condoning the delay of 465 days in preferring L.P.A. No. 733 of 2018, 224 days in preferring L.P.A. No. 159 of 2018, 438 days in preferring L.P.A. No. 561 of 2017 and 382 days in preferring L.P.A. No. 495 of 2017 respectively.

Heard.

Having regard to the averments made in the interlocutory applications, we are of the view that the appellants were prevented by sufficient cause from preferring the appeals within the period of limitation.

Accordingly, I.A. No. 10603 of 2019, I.A. No. 6945 of 2019, I.A. No.8678 of 2017 and I.A. No.8484 of 2017 are allowed and delay in preferring the appeals is condoned.

L.P.A. Nos. 733/2018, 159/2018, 271/2014, 417/2016, 427/2016, 428/2016, 429/2016, 430/2016, 432/2016, 490/2017, 561/2017, 708/2018 & 495/2017

Heard parties.

L.P.A. Nos. 733 of 2018, 159 of 2018, 490 of 2017 and 708 of 2018 have been preferred by the Steel Authority of India Limited against the respective decisions of learned Single Judge disposing of the writ petitions on the ground that the issues now stand settled by an order passed by the Hon'ble Supreme Court in the case of Ram Naresh Singh Vs. Bokaro Steel Ltd. and Others (Civil Appeal No. 4740 of 2017) whereas the other appeals have been preferred by the ex-employees of the Steel Authority of India Limited against the order of dismissal of their respective writ petitions, on the ground that the appellate Bench of this court in L.P.A. No. 15 of 2013 (Bokaro Steel Ltd. and Others Vs. Ram Naresh Singh) reversed the decision of learned Single Judge and it was held that, in view of the undertaking, the gratuity amount which was adjusted, was not required to be paid back as they did not vacate the quarters. However, the aforesaid Ram Naresh Singh preferred Civil Appeal No. 4740 of 2017 before the Hon'ble Apex Court which was disposed of directing the respondents to release the gratuity amount along with interest at the rate of 6% per annum from the date of retention of the amount till the date of actual payment. But, at the same time, it is also stated in the order that it will be open for the respondents to charge normal rent at the rate of Rs.88/- per month for the quarter/premises in question for the period for which the appellant was in occupation after his superannuation.

In view thereof, since the writ petitions of the appellants in L.P.A. Nos. 271 of 2014, 417 of 2016, 427 of 2016, 428 of 2016, 429 of 2016, 430 of 2016, 432 of 2016, 561 of 2017 and 495 of 2017 were dismissed in terms of the order passed by the Division Bench in L.P.A. No.15 of 2013 and in the appeal arising out of aforesaid Letters Patent Appeal, Hon'ble Supreme Court has given aforesaid order, the appeals have been preferred by them.

At the time of hearing, learned counsel for the Steel Authority of India Limited vehemently argued that they are not liable to pay the gratuity amount along with interest in view of the undertaking given by the concerned employees and they are also liable to recover the electricity and water usage charges but without any penal charges. It is also contended that the said judgment would not be a binding precedent because the case has not been decided. However, when learned counsel was asked to make a distinction between the cases of the appellant Steel Authority of India Limited and the case of Ram Naresh Singh, then it was contended that there is no distinction at all save and except that in case of Ram Naresh Singh, at the time of consideration by the Hon'ble Supreme

Court, the quarter was already vacated but in the present case quarters have not been vacated as yet.

Thus, in our opinion, in the present appeals also this Court would be required to follow the direction of the Hon'ble Supreme Court given in the identical matter without any deviation.

In the result, these appeals are also disposed of in terms of the direction contained in Ram Naresh Singh Vs. Bokaro Steel Ltd. and Others (Civil Appeal No. 4740 of 2017) decided by the Hon'ble Apex Court.

Accordingly, the private parties/employees in these proceedings,

are directed to vacate the quarters within a period of eight weeks and they shall appear before the competent authority, i.e., Chief General Manager (Town & Administration) on 20.03.2020 and handover the keys of the vacated quarters and at the same time, the authority of the SAIL will handover the cheques of gratuity amount along with interest. However, the authority of the SAIL would deduct the normal rent for the quarters/premises in question from the said amount for the period for which private parties/employees had remained in occupation after their respective dates of superannuation.

So far as the electricity charges are concerned, the authority of the SAIL would also be at liberty deduct the same from the said amount in the same manner at the same rate in which they had deducted it in the case of Ram Naresh Singh.

The authority of the SAIL is further directed to provide a detailed statement of interest given on the gratuity amount and deductions made, to the employees concerned at the time of handing over the cheques.

In the result, all the appeals stand disposed of, save and except, W.P.(S) No.6113 of 2010 in which, according to learned counsel, issues involved are different from the aforesaid cases and as such, it will be heard separately.

Pending interlocutory applications also stand disposed of.

