



2026:CGHC:440



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 169 of 2014

1 - Chief General Manager M/s South Eastern Coalfields Ltd., Through Sebernus Bris Tete, Senior Officer (P&A), Chirimiri, PO Chirmiri Colliery, Distt Korea, Chhattisgarh

... Petitioner(s)

versus

1 - The President Rastriya Colliery Workers Federation, Regional Stores, PO Korea Colliery, Dist Korea, Chhattisgarh

2 - The Central Government Industrial Tribunal Cum Labour Court, Jabalpur, 1230, Gole Bazar Ward, Wright Town, Jabalpur, Distt Jabalpur, MP

... Respondent(s)

For Petitioner(s)	: Dr. Sudeep Agrawal, Advocate
For beneficiary Shri BKS Yadav	: Shri S. Majid Ali, Advocate

({Hon'ble Shri Justice Sachin Singh Rajput})

Order on Board

05/01/2026

1. This writ petition has been filed challenging award dated 01/04/2014 in case No.CGIT/LC/R/2/2001 by the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur by which the reference sent by Government of India, Ministry of Labour, New Delhi under Section 10 of the Industrial Disputes Act, 1947 was answered in favour of Shri BKS Yadav. The reference is quoted herein



below -

“Whether the action of the Chief General Manager, Chirimiri Area of SECL PO Chirimiri, Distt. Korea (MP) in superseding Shri U.N.Sinha and Shri B.K.S.Yadav, Store Keepers of Regional Stores, Korea of SECL, Chirimiri Area by their juniors Shri S.K.Das and others is legal and justified? If not, to what relief the workmen are entitled ?”

2. The reference was answered in the following manner -

“9. In the result, award is passed as under :-

(1) The action of the Chief General Manager, Chirimiri Area of SECL PO Chirimiri, distt. Korea (MP) in superseding Shri U.N.Sinha and Shri B.K.S.Yadav, Store Keepers of Regional Stores, Korea of SECL, Chirimiri Area by their juniors Shri S.K.Das and others is legal and proper.

(2) IInd party is directed to give seniority on the post of Asstt. Store Keeper to Shri B.K.S.Yadav from date of re-designation as Store Keeper given to Shri S.K.Das and consequential benefits be allowed to workman.”

3. Learned counsel for the petitioner submits that the limited grievance of the petitioner is that clause 2 of para 9 of the impugned award directing the petitioner to re-designate the post of B.K.S.Yadav and granting seniority on the post of Assistant Store Keeper from the date the benefit was granted to Shri S.K.Das is bad in law because admittedly in the case in hand, Shri B.K.S.Yadav was appointed on 01/01/1980 as General Majdoor and was promoted on the post of Clerk on 07/01/1982 whereas Shri S.K.Das was appointed in the year 1973 and was designated as Assistant Store Keeper w.e.f. 09/10/1977 and on that day, Shri B.K.S.Yadav was not borne in cadre. Therefore, at the most, if any consequential benefit is to be given treating Shri B.K.S.Yadav at par with Shri S.K.Das would be from 07/01/1982 when he was borne in the cadre of Clerk which is re-designated as Assistant Store Keeper. Therefore, the award to that extent may be modified.

4. Learned counsel for the respondent does not dispute the position that DKS Yadav was appointed on 01/01/1980 as General Majdoor and was appointed as



Clerk on 07/01/1982 which was re-designated as Assistant Store Keeper by the respondent and promotion was granted to Shri S.K.Das in the year 1986 granting him benefit of Assistant Store Keeper from 09/10/1977.

5. Heard learned counsel for the parties and perused the records.
6. Admittedly, the learned CGIT while answering the reference in clause 2 of paragraph 9 specifically held that Shri B.K.S.Yadav should be given seniority and all consequential benefits on the post of Assistant Store Keeper from the date of re-designation as Store Keeper given to Shri S.K.Das. Admittedly, Shri S.K.Das was granted benefit of re-designation on the post of Assistant Store Keeper from 09/10/1977. On that day, Shri B.K.S.Yadav was not borne in the cadre. Admittedly, he was promoted on the post of Clerk on 07/01/1982. Therefore, learned CGIT committed an error in granting such benefit from 09/10/1977.
7. In view of above, the impugned award is modified to the extent that clause 2 of paragraph 9 is to be read that the seniority on the post of Assistant Store Keeper to Shri B.K.S. Yadav from the date of re-designation as Store Keeper given to Shri S.K.Das and consequential benefits be granted to him w.e.f. 07/01/1982 and not from the date it was granted to Shri S.K.Das on 09/10/1977.
8. With the aforesaid modification in the impugned award, this writ petition is partly allowed.

Sd/-

(Sachin Singh Rajput)

JUDGE