

\$)

SLP(C)No. 8174 OF 2003

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2192 OF 2004

(Arising out of SLP(C)No. 8174/2003)

Eastern Coalfields Ltd. & Ors.

Appellant(s)

Vs.

Baidya Nath Chatterjee

Respondent(s)

O R D E R

Leave granted.

The dispute in this case relates to the determination of age of the respondent who, it appears was the employee of the Coal Field Company but after the nationalization fresh records were prepared in which, year of his birth was entered by the management as 1926. It appears that he was

...2/-

not satisfied with the age indicated by the management in the record and he disputed the same. Hence, a medical board seems to have been constituted for determination of his age and it seems to have agreed with whatever was recorded in form B register and some other related documents.

The respondent raised a dispute which came before the Industrial Tribunal and amongst other things, it was provided that an apex medical board may be constituted for determining the age of the respondent since there was some doubts in the record of the age of the respondent. The appellants challenged the order of the Industrial Tribunal by filing writ petition in Calcutt a High Court which was dismissed on 22.3.1994 and the order passed by the Industrial Tribunal was upheld. The appellants further proceeded in the matter and filed writ appeal which was dismissed in default on 29.9.1999. Whatever may be the position, as it stands is, that the order of Industrial Tribunal was affirmed by the High Court in the writ petition and the writ appeal was dismissed.

...3/-

It appears, that the order passed by the Industrial Tribunal in 1993 was not complied with.

The respondent again went to the court to file a writ petition for compliance of the order passed by the Labour Court and affirmed in the writ petition by the High Court. This second writ petition was filed on 6.12.2001. The learned Single Judge passed an order for constituting the medical board as per order passed by the Labour Court. Even though admittedly the earlier orders attained finality yet the order passed in the second round of the writ proceeding initiated by the respondent for implementation of the orders passed in earlier proceedings is being resisted on flimsy grounds now some fresh prayers were made by the respondent. It is not expected of an authority like appellant that it would ignore the orders passed by the Courts and would not implement the same in the hope that the respondent may not again proceed to get the compliance of judicial orders and the matter may die on its own in due course. It surprises us that the appellants have ignored the judicial order and have not complied with even the order passed in the second round of proceedings raising flimsy and untenable grounds.

....4/-

The present appeal is dismissed with costs which we assess as twenty thousand to be paid to the respondent within six weeks. It is expected the appellants would now comply with judicial order without delay.

.....J.
(BRIJESH KUMAR)

.....J.
(ARUN KUMAR)

NEW DELHI
APRIL 8, 2004.

ITEM No.35

Court No.10

SECTION XVI
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.8174/2003

(From the judgement and order dated 04/09/2002 in MAT 889/02
of The HIGH COURT OF CALCUTTA)

EASTERN COALFIELDS LTD. & ORS.

Petitioner (s)

VERSUS

BAIDYA NATH CHATTERJEE

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for c/delay in filing SLP and directions)
with office report

Date : 08/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE BRIJESH KUMAR
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s)

Mr. Ajit Kumar Sinha,Adv.

For Respondent (s)

Mr. K.V. Vishwanathan,Adv.

Mr. Anil Agarwalla,Adv.

Mr. Z. Rehman,Adv.

Mr. Jagdeep Anand,Adv.

Mr. K.V. Vijayakumar,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is dismissed with costs.

(Sarojbala)

PA to Addl.Registrar

(S.Malkani)

Asstt.Registrar

(The signed order is placed on the file)