
(2024) 02 CHH CK 0031

Chhattisgarh High Court

Case No: Writ Petition (S) No. 2659 Of 2011

Kuleshwar Prasad

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Feb. 16, 2024

Acts Referred:

- Constitution of India, 1950 - Article 12, 14, 21

Hon'ble Judges: Rajani Dubey, J

Bench: Single Bench

Advocate: Sourabh Sahu, Binu Sharma, Vinod K. Deshmukh, Gary Mukhopadhyay, Anup Majumdar

Final Decision: Allowed

Judgement

1. By the instant petition, the Petitioners have prayed for following relief(s) :-

â€œa. That, this Honâ€™ble Court may kindly be pleased to command and direct the respondents to pay the arrears of salary to the

Petitioners from 01.03.1991 and all other benefits, as mentioned in the judgment dated 27.07.2001, within the time fixed by this Honâ€™ble

Court, in the interest of justice.

b. Cost of the proceedings.

c. Any other relief in the discretion of this Honâ€™ble Court.â€

2. Brief facts of the case, as projected by the petitioners, are that the petitioner No.1 is presently working as Lecturer in the Higher Secondary,

Manikpur Colliery, SECL, Korba. The Petitioner No.2 was working as Teacher in the Middle School Manikpur Colliery, SECL, Korba and

superannuated from the said post on 01.08.2009. On 09.02.1979 (Annexure P/3), the Petitioners were promoted to the post of Upper Division Teacher

by the Respondent No.6, which is a society registered under the Societies Registrikaran Adhiniyam, 1973. As per National Coal Wage Agreement-III (for short "NCWA"), the Respondent No.3 has to provide education facility to the wards of its employees as provided in Clause 8.8.1 of the

NCWA (Annexure P/4). Further, the existing recurring grants to private Committee managed school in the coalfield will be enhanced so as to enable

the schools to be run better including the payment of higher salaries to the teachers. Coal India provides additional grant of Rs. Two Crores per annum (excluding capital expenditure) for its subsidiary companies which will be administered by a company-wise joint bipartite Committee where workers

come forward with their own contribution for the running of educational institutions, matching grants will be given by the coal companies. In order to discharge its obligation of establishing educational institutes for the wards of the employees of the Respondent No.3, a society was constituted on

01.07.1974 i.e. Respondent No.7, and it was granted permission on 29.06.1974 to open the school. However, in the information submitted for seeking

permission it was specifically mentioned that the society runs with the financial aid of Western Coalfields Limited (predecessor of the Respondent

No.3). It was also mentioned in the said document (Annexure P/5) that the society is not required to be registered because it is registered by the

colliery. On the basis of information submitted, on 06.07.1976 (Annexure P/6) permission was granted to society to open the school for the period

01.07.1976 to 31.03.1977 by the District Education Officer, Janjgir, District Bilaspur. Thereafter, vide order dated 27.12.1977, the permission was

extended for a period 01.04.1977 to 31.03.1977. On 11.03.1980, the Sub-Area Manager of W.C.L., Korba moved an application before the District

Education Superintendent, Bilaspur seeking permission to upgrade the school and open Class 9th. On the application moved by the Sub- Area

Manager of W.C.L., Korba, a query (Annexure P/7) was raised by the District Education Superintendent, Bilaspur on 15.4.1980 seeking copy of the

registration certificate of the society. In reply to the letter dated 15.04.1980, the office of the Sub-Area Manager vide its letter dated 30.04.1980

(Annexure P/8) categorically informed that the school is to run under the W.C.L. and the society has not been registered till date and source of

finance of the society is WCL. On 05.10.1985 (Annexure P/9), an information was sent by the Secretary of the Respondent No.6 in prescribed Form-

III of recognition of the school stating very specifically that since the society is run by the WCL (predecessor of SECL), therefore, registration is not required.

3. In the year 1992, the Respondent No.6-Society was registered under the provisions of the Act, 1973, and for the reasons that the society was run

by the Respondent No.3, the Deputy General Manager of SECL, Manikpur Colliery was made ex-officio Chairman of the Respondent No.6 and the

Superintending Engineer, Manikpur Colliery, SECL was made ex-officio Vice President and Accounts Officer, SECL, Manikpur Colliery was made

ex-officio Treasurer of the Society. Thus, entire control of the Respondent No.6-society was with the Respondent No.3-SECL. In the year 1991, the

Petitioners filed a writ petition being M.P. No.567/91 before the High Court of M.P. at Jabalpur seeking relief that the respondents (therein) be

directed to fix pay of the Petitioners and pay them salaries including arrears in accordance with the proper orders of pay of fixation. Thereafter, on

23.09.1998 (Annexure P/11), the High Court of M.P. after allowing the said writ petition directed the Respondent No.3 & 6 herein to fix the

Petitioners in proper pay scale, adopt the pay scale for the Petitioners in parity with the pay scale applicable to the Teachers appointed by the State

Government in Education Department. It was further directed to the Respondent No.3 to pay the difference of salary to the Petitioners from the date

of their appointment as Upper Division Teachers (UDT). Being aggrieved by the said order, two LPA were preferred, one by the Respondent No.3

and another by Respondent No.4 (herein) and the same were registered as LPA 431/98 (SECL Vs. Kuleshwar Prasad & others) and LPA

No.432/98 (General Manager, SECL Vs. Kuleshwar Prasad & others). The two LPA filed by Respondent No.3 & 4 were dismissed by the Hon'ble

Court by a common order dated 27.07.2001 (Annexure P/12) directing the respondents concerned to revise the pay of the Petitioners with effect from

01.03.1991 and to pay the arrears from 01.03.1991. It was further directed that the Petitioners shall also be entitled for revision of their pay in the pay-scale as revised from time to time for the Teachers of the State Government.

4. According to the petitioner, even after passage of order dated 27.7.2001 (Annexure P/12), when no steps were taken to comply with the said order, the Petitioners filed a contempt petition being Contempt Petition No.322/01 before the High Court of Madhya Pradesh at Jabalpur. The Respondent Nos. 3 and 4 being aggrieved by order dated 27.07.2001 filed two separate S.L.P. being SLP (C) No.3475/03 & 6817/02 before the Hon'ble Supreme Court, which were dismissed by the Hon'ble Supreme Court vide order dated 14.07.2006 and 30.09.2006 respectively. According to the petitioner, it was also the stand of Respondent No.7 in the Contempt Petition that the applicant of the Contempt Petition never approached the Managing Committee and have not impleaded office bearer of the Managing Committee in the Contempt Petition. The Management of the Respondent No.3 has made the part payment to the applicant. It was further stand of the Respondent No.7 that it is not in a financial position to make payment of entire arrears as ordered by this Hon'ble Court and management of Respondent No.3 should take the responsibility to implement the order issued.

5. The contempt petition being Cont. Petition No.322/01 was dismissed by High Court of Madhya Pradesh vide order dated 08.08.2007 (Annexure P/16) on the ground that the person responsible for payment of arrears of salary and revised pay, was not impleaded as party. Being aggrieved by the said order dated 08.08.2007 (Annexure P/16), the Petitioner No.1 filed S.L.P.(C) No.7662/08 before the Hon'ble Supreme Court. The Petitioner No.2 was arrayed as Performa respondent, i.e. Respondent No.5 in S.L.P. (C) No. 1662/2008. Since the Petitioner No.2 did not approach the Hon'ble Supreme Court against the order dated 08.08.2007 passed by the High Court of Madhya Pradesh in Cont. Petition No. 322/2001 due to financial constraint, the SLP (C) No. 1662/2008 was dismissed by the Hon'ble Supreme Court vide order dated 06.04.2011 (Annexure P/17) with liberty to the Petitioners to seek any other remedy against the Respondent No.6. As such, the instant petition by the Petitioners.

6. Learned counsel for the Petitioners submits that the action of the respondents in not paying the arrears of pay to them is arbitrary, illegal and contrary to the law applicable to the facts and circumstances of the case. The respondents being the instrumentality of the State cannot avoid their liability of imparting education to the wards of the officers/employees of the SECL. It is not only fundamental duty of the Respondent No.3 but also right of wards of the employees of SECL to get quality education. Learned counsel further submits that right has been accrued in favour of the Petitioners on the basis of adjudication done by this Court which has received stamp of approval from the Hon'ble Supreme Court and the same cannot be denied on the basis of illusory in fight between the Respondent No.3 & 7 and violates the fundamental rights granted to the Petitioners under Articles 14 & 21 of the Constitution of India. It has been also submitted by learned counsel that the respondents have no authority to frustrate the orders passed by this Court which has received stamp of approval from the Hon'ble Supreme Court by raising such technical dispute. Therefore, the instant petition may be allowed.

7. On the other hand, learned State counsel submits that the main dispute is between the Petitioners and the Respondent No.3 & 6, therefore, they are the main contesting party in the instant petition and no substantive or effective relief has been sought against the State, therefore, the instant petition in respect of the State may be dismissed.

8. Mr. Vinod K. Deshmukh, learned counsel for respondent Nos. 3 to 5 submits that the respondents are not the competent authority to redress the grievance of the Petitioners and infact the Managing Committee of the school is appropriate and competent authority to grant the relief as prayed by the petitioners. Learned counsel further submits that the management of SECL has nothing to do with the Managing Committee of the school and it has neither any administrative nor financial control over the affairs of the school where the Petitioners are employed. However in the past, some of the employees were ex-officio members of the school Managing Committee, but on 07-04-1999 a general body meeting of the Committee was called and various changes and amendments were made in the constitution of the school Managing Committee. Accordingly, the office bearers of the school

Managing Committee were only to be elected and it was resolved that no officer should be ex-officio members of the school Managing Committee

and at present the Managing Committee has no officer from the SECL. Learned counsel also submits that the management of SECL has been giving

grant-in-aid to the school only as a welfare measure but have no administrative and financial control over the school and therefore, no liability of any

kind could be fastened upon the management of SECL. Even the Hon'ble Supreme Court, vide order dated 06-04-2011 in SLP (Civil) No. 766/2008

and SLP (C) No. 10132/2009, while dismissing both SLPs has observed that the Petitioners have to seek remedy against the Managing Committee of

the school and not against the management of the SECL, the same is apparent from the Annexure R/7. Therefore, the instant petition is liable to be

dismissed on account of misjoinder of parties.

9. Learned counsel also submits that in the year 1991, a Writ Petition No. 567/1991 has been filed by the Petitioners on the allegations that the said

scale of pay was the scale of pay admissible to the upper division teachers of the State Govt. and their service conditions remained applicable under

the State Govt. Education Department Rules. The State Govt. has revised the scale of pay of the teachers, but they have not been paid the salary in

the said scale of pay as revised by the state Govt. It was alleged that the recommendations of different pay commissions were accepted and adopted

by the state Govt., but the benefits of the said revised pay scale have not been extended to them and they are being paid salary in the old pay scale.

The Petitioners were appointed by the President of School Managing Committee, Manikpur Colliery, which was in the Administrative and Financial

Control of the Western Coal Fields Ltd. and in the year' 1985 the management of the Manikpur Colliery was brought under the Administrative and

Financial Control of the present petitioner i.e. South Eastern Coal Fields Ltd. They contended that after the division of Western Coal Fields Ltd. they

became the employees of South Eastern Coal Fields Ltd. and continued in service with the same terms and conditions as applicable to earlier service,

while they were working in the said colliery school under the Administrative and Financial Control of Western Coal Fields Ltd. It has been submitted

that in the aforesaid writ petition, General Manager, SECL Korba, Bilaspur and Sub Area Manager, SECL Korba, Bilaspur were impleaded as

respondents No.1 & 2 respectively, in their individual capacity. It is also pertinent to mention that neither the petitioner, South Eastern Coal Fields Ltd.

nor the Western Coal Fields Ltd. were impleaded as the party despite allegations that the respondent No. 1 & 2 had been working as employee of the

aforesaid Company.

10. It has been submitted by learned counsel that the learned Single Judge has allowed the above said writ petition and passed an order on 23.09.1998

(Annexure R/1) as exparte that the scale of pay of the Petitioner Nos. 1 & 2 of the writ petition be fixed in proper pay scale in parity with the pay

scale applicable to the teachers appointed by the State. The learned Single Judge further directed that the two employees would also be entitled to

received the difference of salary from the date of their appointment as upper division teachers along with dearness allowances and other monetary

benefits of the said post with observation that the Petitioners were employees of SECL. It has been submitted by learned counsel that the learned

Single Judge seriously erred in ignoring the fact that the present Petitioners are not the employees of SECL and even otherwise no order could have

been passed against SECL without impleading the Company as a party. Learned counsel also submits that even if it assumed that the respondent No.

1 & 2 are the employees of SECL then also the wages of the employees of Coal India is governed by the National Coal Wage Agreement and the

Pay scale of the State Govt. can not be applied to the employees of Coal India. The learned Single Judge ignored the fact that the Petitioners having

been appointed by the School Managing Committee and the liabilities and responsibilities for making payment is that of School Managing Committee.

The Petitioner Nos. 1 & 2 are merely employees of SECL and no writ is liable to be issued to the individual officers for giving arrears of wages and

other relief to the individual workers.

11. Learned counsel also submits that once it has been adjudicated that the Petitioner Nos.1 & 2 are not the employees of SECL then the General

Manager or the Sub Area Manager, SECL is not accountable for any wages to the Respondent No. 1 & 2. The SECL has been giving grant-in-aid to

the School only as welfare measure for its employees, whose children attend these schools and the administrative and financial control of the school

was never in the hands of SECL. In order to appreciate the involvement of SECL in the running of the school management, it has been submitted by

learned counsel that the SECL is engaged in the mining and sale of coal. Due to the remoteness and alienation of area from the society where the

mining operations are being done by the Company, the Company is committed towards its employees to provide the basic facilities of living and in

order to provide the basic facilities, the Company has been providing various types of assistance to the other service sector like Bank, Hospitals,

Educational, Institution, Post-office etc to setup in the said area. This assistance has been given to the said institution with the only intention to provide

the basic facilities to the employees of S.E.C.L. The primary school was established with the help of S.E.C.L. only because the Company is

committed towards its employees to provide the basic education facilities to the children of the employees. A Managing Committee has been formed

to run the school and the administrative and financial control of the school was in the hands of the said Managing Committee. Later on in the year

1992, a registered society was made to run the school and all the affairs of the school was being looked after by the said society. A particular amount

in form of grant in aid is being given by the S.E.C.L. as financial assistance to the school in each year. In a scenario like this, it is not proper that

SECL or managers of SECL be asked to bear the responsibility of paying pay and arrears to the teachers of the school. Thus, the Petitioners are not

entitled for any relief whatsoever prayed for by them in the petition. Thus, the instant petition being devoid of merit is liable to be dismissed. In support

of submission, learned counsel placed reliance on the decisions of this Court in the matters of Jayant Kumar Shrivastava Vs. South Eastern Coalfields

Limited & Ors. [WPS No.6298/2010 order dated 15.01.2019], Ram Suresh Singh Vs. South Eastern Coalfields Limited & Ors. [WP No.685/2006

order dated 31.01.2019], Shail Shrivastava Vs. South Eastern Coalfields Limited & Ors. [W.P.(S) No. 6434/2010 and other connected matters, order

dated 23.06.2021], Yog Mani Agnihotri & Ors. Vs. State of C.G. & Ors. [W.P.(S) No.3665/2017, order dated 09.06.2020] and Yog Mani Agnihotri

& Ors. Vs. State of C.G. & Ors. [W.A. No. 431/2020, order dated 12.10.2023].

12. Mr. Gary Mukhopadhyay, learned counsel for respondent No.6 submits that the Petitioners had filed a writ petition M.P.No. 567/1991 before the

Hon'ble High Court of M.P. at Jabalpur, which was allowed by order dated 23.9.98 with a direction to Respondents Nos.4 and 5 herein to pay the

difference of salary to the petitioners. The time when the Petitioners obtained a favourable order from the Hon'ble High Court of Madhya Pradesh,

the respondent/SECL was running the school and the officers of the Sub-Area of SECL were office bearers of the Samiti/School Managing

Committee. Being aggrieved by the order, the Respondent No. 3 preferred LPA. No.431/98, Respondent No. 4 and 5 preferred LPA. No.432/98.

Both the LPA were dismissed by common order dated 27.07.2001.3. Learned counsel also submits that the South Eastern Coalfields Ltd had been

running the school and sometime in 1999 it expressed its inability to run the school any further, thereafter the Trade Union representatives agreed to

take over the management of the school so that the future of the students may not be jeopardized, being unknown of the fact that the Petitioners had

filed a writ petition M.P. No. 567/1991 before the Hon'ble High Court of M.P. at Jabalpur and received a favourable order. Learned counsel also

submits that in the writ petition M.P. No. 567/1991, the LPA.No.431/98 and LPA.No.432/98, Sub Area Manager/President School Managing

Committee was made respondent. The Management of SECL did not intimate the the respondent that the Hon'ble High Court of Madhya Pradesh has

passed orders in favour of the Petitioners in M.P.No. 567/1991 and that LPA.No.431/98 and LPA.No.432/98 were pending. It has been submitted

that when the Petitioners were not paid their dues as per the order of the Hon'ble Court, the Petitioners filed contempt petition No.322/2001, wherein

vide order dated 28.03.2007, the Hon'ble High Court of Madhya Pradesh directed the President of the School Managing Committee, Middle School,

Manikpur Colliery, Korba to be personally present and explain his stand. Since the South Eastern Coalfields Ltd had stopped running the school and

had handed over the management of the school to Shala Prabandhak Samiti on 10.4.1999, the Respondent No.7 appeared before the Hon'ble Court

and filed his affidavit stating that the school was being run by the School Managing Committee and the officers of the Sub-Area of SECL were office

bearers of the Samiti/School Managing Committee. The respondent No.7 also submitted in his affidavit that even after new management took over the

school SECL never informed the new management that any petition has been filed and any order has been passed in favour of the

applicants/Petitioners by the High Court of Madhya Pradesh.

13. It has been submitted by learned counsel that the Respondent No.7 in his affidavit had categorically mentioned that he/ School Managing

Committee was not at all aware of the contempt petition until 3.4.2007 and when the management of SECL informed that he was supposed to be

personally present before the Hon'ble High Court of Madhya Pradesh at Jabalpur on 11.4.2007 and personal presence of the respondent No.7 was

dispensed with by order dated 11.4.2007 and by order dated 8.8.2007 the Contempt Petition No. 322/2001 was dismissed. It is next submitted by

learned counsel that the School Managing Committee has been getting grant in aid from SECL every year. The School Managing Committee is

running the school with the help of grant-in-aid from SECL and from the fee paid by the students. The financial condition of the school is not at all

sound and is not in a position to make any payments to the Petitioners as per their claim in the writ petition. The School Managing Committee was

handled by the SECL and the Sub-Area Manager, Korba Area, SECL was the President of the School Managing Committee. Any liability that has

been fastened by the Hon'ble High Court of Madhya Pradesh in MP No.567/91 is on the then President of the School Managing Committee i.e. the

Sub Area Manager of Korba Area, SECL. Learned counsel also submits that the present School Managing Committee did not have the knowledge that

the Hon'ble High Court of Madhya Pradesh has passed orders in favour of the Petitioners in M.P.No. 567/1991 and that LPA.No.431/98 and

LPA.No.432/98 preferred by the SECL have also been dismissed. The Management of SECL had continuously kept the present School Managing

Committee in the dark. It was only after the order passed by the Hon'ble High Court of Madhya Pradesh on 28.3.2007 in Contempt Petition No.

322/2001, that the present School Managing Committee came to know about the matter. The President of the present School Managing Committee

who was directed to be present before the Hon'ble High Court of Madhya Pradesh, filed an affidavit with regard to his stand making clear that the

present School Managing Committee did not have the knowledge about the petitions filed by the Petitioners and also that had this fact been known to

the Trade Unions, they would never have taken the responsibility of running the school.

14. Mr. Anup Majumdar, learned counsel for respondent No.7 submits that the Petitioners have not claimed any relief against the respondent. The

respondent is the President of the Shala Prabhandhak Samiti and is personally not responsible for the payment of arrears of salary and other benefits

as claimed by the petitioners. Learned counsel further submits that the respondent was never made a party in M.P. No.567/1991 filed by the

Petitioners before Honâ€™ble High Court of Madhya Pradesh and in LPA No. 431/98 and 432/98. Even in the contempt petition filed by the

petitioners, the respondent was not made a party, however by order dated 28.03.2007 in Contempt Petition No. 322/2001, the Honâ€™ble High Court

of Madhya Pradesh directed the President of the School Managing Committee to be personally present and explain its stand. Since the SECL had

stopped running the school and had handed over the management of the school to Shala Prabandhak Samiti on 10.04.1999, the respondent appeared

before the Honâ€™ble Court and by order dated 11.04.2007, the personal presence of the respondent was dispensed with and by order dated

08.08.2007, the Contempt Petition No. 322/2001 was dismissed.

15. I have heard learned counsel for the parties and perused the material available on record.

16. It is not disputed in this case that in a petition being M.P. No. 567/1991 filed before the High Court of Madhya Pradesh at Jabalpur by the

petitioners, an order dated 23.09.1998 was passed directing the Respondent No.3 to fix the petitioners in proper pay scale, adopt the pay scale for the

petitioners in parity with the pay scale applicable to the teachers appointed by the State Government in Education Department. It is also not in dispute

that High Court of Madhya Pradesh had directed the Respondent No.3 to pay the difference of salary to the petitioners from the date of their

appointment as Upper Division Teachers (UDT) and this order was maintained by the Honâ€™ble Apex Court & when the contempt petition being

Cont. Pet No.322/2001 was filed for non-compliance of order dated 23.09.1998 passed in M.P. No.567/1991, the President of Respondent No.3

pleaded that it is the management of Respondent No.3 who has to implement the order passed by this Court and the management of Respondent No.3

is accountable to pay the arrears of salary to the petitioners and that contempt petition was finally dismissed vide order dated 08.08.2007 on the ground

that contemnors have not disobeyed the order of this Court. The said order was subjected to challenge before the Honâ€™ble Apex Court and the

same was been dismissed by order dated 06.04.2011 with liberty to the petitioners to seek any other remedy against the Managing Committee of the

school.

17. High Court of Madhya Pradesh while deciding the case of the petitioners (M.P. No.567/1991) by order dated 23.09.1998 made certain

observations. For sake of convenience, the relevant portion i.e. paras 9 and 10 of the order are reproduced herein as under :-

â€œ9. In view of the above discussion, the petition deserves to and is accordingly allowed. The respondents are directed to fix the

petitioners in proper pay scale, adopt the pay scale for the petitioners in parity with the pay scale applicable to the teachers appointed by

the State Government in Education Department. The respondents would also be required to pay the difference of salary to the petitioners

from the date of their appointment as Upper Division Teachers (UDT). They would also be bound to pay the Dearness Allowance, other

allowances and the benefits flowing from the post. The petitioners would be entitled to the pay scale which is currently applicable to the

teachers appointed in Education Department by the State Government.

10. Before parting with the case, I am obliged to observe that the SECL is a Government Company. It is a State under Article 12 of

Constitution of India and it cannot act contrary to the provisions of law. When an ordinary unskilled labour earns more than Rs.50/- a day,

then it would be mockery of the system if teacher who is imparting education is being paid about Rs.30/35 per day. If we expect from a

teacher that he has to shoulder the responsibility in bringing up the nation and develop the brains, then it would be a fallacious proposition

to say that a teacher should be paid less than what an unskilled labour earns.â€

18. It is pertinent to mention here that the aforesaid final order was passed in the year 1998 but the petitioners are still entangled in multiple litigation

and are not getting any relief from this speaking order. The Respondent Nos.3 to 5 have stated in their written statement that the Management of

SECL has been giving grant-in-aid to the school only as a welfare measure but has no administrative and financial control over the school and

therefore, no liability of any kind could be fastened upon the management of SECL.

19. The Respondent No.6 â€" Shala Prabandhak Samiti has stated in his written statement that the SECL had been running the school and sometime

in 1999 it expressed its inability to run the school any further but the Trade Union representatives agreed to take over the management of the school

so that future of the students may not be jeopardized. Since the the SECL had stopped running the school and had handed over the management of the

school to Shala Prabandhak Samiti on 10.04.1999, the Respondent No.7 appeared before the High Court and filed its affidavit stating therein that they

were never informed about the previous litigation as also of the order and the School Management Committee has been getting grant-in-aid from

SECL every year. The School Management Committee is running the school with the help of grant-in-aid from the SECL and from the fees paid by

the students and financial condition of the school is not at all sound.

20. It is apparent from the written statement filed by the respondents that prior to 1999, the school was under the control of SECL and thereafter, the

SECL had stopped running the school and handed over the management of school to Respondent No.6-Shala Prabandhak Samiti on 10.04.1999. When

the petitioner filed petition before High Court of Madhya Pradesh, at the relevant time, the school was under the control of SECL, Korba, and High

Court of Madhya Pradesh directed the SECL to fix the petitioner in proper pay scale in parity with the pay scale applicable to the teachers appointed

by the State Government in Education Department. It was further directed that respondents would also be required to pay the difference of salary to the petitioners from the date of their appointment as Upper Division Teacher (UDT). This order was passed in the 1998 at that time the school was under the control of SECL and after that the Respondent No.6 is running the school administration.

21. Honâ€™ble Apex Court dismissed the SLP (Civil) No(s). 7662/2008 of the petitioners with this liberty to seek for any other remedy as against the Managing Committee of the school, if any such remedy is available, in accordance with law. It is very pity to say that even after passage of speaking order by High Court of Madhya Pradesh in favour of the petitioners, they are not getting any kind of relief.

22. In view of the aforesaid discussion and looking to the overall facts and circumstances of the case, this Court deem it appropriate to direct the

District Collector, Korba to constitute a Committee in collaboration with the concerned District Education Officer and Respondent Nos. 3 to 7 to

explore the possibilities of pay scale to the petitioners and shall scrutinize the pay fixation of petitioners in view of order dated 23.03.1998 passed in

M.P. No.567/1991 by High Court of Madhya Pradesh and decide as to how much liability with regard to pay scale and payment of arrears would be

fasten on whom and who is accountable to pay the same to the petitioners. Respondent Nos. 3 to 5 are also directed that in the event of overburden to

Shala Prabandhak Samiti - Respondent No.6, the same shall be born by SECL management. The entire exercise be carried out within a period of six

months from the date of this order.

23. The concerned District Collector is also directed to make all the endeavour for proper implementation of the order dated 23.03.1998 passed in

M.P. No. 567/1991 and shall ensure payment to the Petitioner No.1 and legal heirs of Petitioner No.2 within six months.

24. With the aforesaid observations, the petition stands allowed.