
(2014) 03 JH CK 0050
Jharkhand High Court
Case No: W.P. (S) No. 4032 of 2009

Sarfuddin Ansari

APPELLANT

Vs

B.C.C.L.

RESPONDENT

Date of Decision: March 20, 2014

Citation: (2014) 142 FLR 1027

Hon'ble Judges: Aparesh Kumar Singh, J

Bench: Single Bench

Advocate: A.K. Sahani and Ajit Kumar, Advocate for the Appellant; Ananda Sen and Amit Kumar Sinha, Advocate for the Respondent

Judgement

Aparesh Kumar Singh, J

1. The petitioner is aggrieved by his dismissal from service vide impugned order dated 10th July, 2009 passed by the respondent No. 4, Project Officer, Murulidih Colliery of the respondents- Bharat Coking Coal Ltd.

However, the respondents have taken a plea that the petitioner instead of preferring an appeal before the competent Appellate Authority, as per the standing order, i.e. General Manager of Western Jharia Area, has straightaway come before this Court in the present writ application. The petitioner has, however, stated that he had preferred a memo in the nature of appeal before the Director (Personnel), B.C.C.L.

The respondents also have taken a plea that the matter ought to have been raised before the competent Labour Court as it involves disputed question of fact.

2. Having regard to the facts and circumstances, without getting into the merits of the writ petition, since the avenue of appeal has not yet been availed of by the petitioner even as per the respondents, the writ petition is being disposed of by giving liberty to the petitioner to prefer an appeal before the General Manager, Western Jharia Area within a period of 3 weeks duly supported with all grounds and

questions of fact and law as are available to the petitioner. The competent Appellate Authority/General Manager, Western Jharia Area on receipt of such appeal shall consider the same, in accordance with law, also taking into account that the petitioner was pursuing his remedy before this Court in writ jurisdiction after passing of the impugned order dated 10th July, 2009. Needless to say that if the appeal is preferred within the aforesaid time, the Appellate Authority shall take an appropriate decision, in accordance with law, within a reasonable time preferably within a period of 12 weeks from the date of receipt/production of a copy of this order, which shall also be communicated to the petitioner. Accordingly, this writ petition is disposed of with the aforesaid liberty.