IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(L) No. 6682 of 2023

Eastern Coalfields Limited, Pandaveswar Area, PO & PS- Pandaveswar, Dist.- West Burdwan, PIN- 713346, through its General Manager Shri Ajay Kumar Sharma, aged about 59 years, S/o Bhagwan Das Sharma, R/o - Quarter No. D-11, Jhanjra, Officers Colony, Jhanjhra, PO- Laudoha, Dist.- West Burdwan, West Bengal, PIN – 713383. **… … Petitioner**

Versus

1. Union of India through its Secretary, Ministry of Labour and Employment, Shashtri Bhawan, New Delhi, P.O. Shastri Bhawan, P.S.- Parliament Street, District-New Delhi, PIN-110001
2. Assistant Labour Commissioner (Central), Hazaribagh and In Charge ALC(C), Dhanbad - I in the Office of the Deputy Chief Labour Commissioner (Central), 'Shramev Jayate Bhawan', PO Jagjivan Nagar, PS-Saraidhela, Dist. - Dhanbad, PIN-826003.
3. The Secretary, Rashtriya Colliery Mazdoor Congress, Water Board Colony, Hari Mandir Road, Hirapur, Dhanbad, PO, PS & Dist.- Dhanbad, PIN – 826001 **… … Respondents**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. Anoop Kr. Mehta, Advocate
: Mr. Shubham Malviya, Advocate
For the Resp. Nos. 1 & 2 : Ms. Bakshi Vibha, Advocate
For the Resp. No. 3 : Mr. Ranjan Kr. Singh, Advocate
: Mr. Niranjan Singh, Advocate

C.A.V. On 30.06.2026 **Pronounced on 18.11.2026**

1. This writ petition has been filed for the following reliefs:

"i) Issue an appropriate writ in the nature of Certiorari or any other appropriate writ for Quashing the Reasoned Order No. 2(3)/2007-E-6 dated 14.07.2023 (Annexure-8) passed by the Assistant Labour Commissioner (Central) Hazaribagh - I/C, Dhanbad-I, the Respondent No. 2 purported to have been passed in compliance of the orders and directions passed by this Hon'ble Court vide its Order dated 17.05.2023 in WPL No. 4004 of 2009 directing the Petitioner to implement the Award dated 29.08.2006 passed by the Central Government Industrial Tribunal No. 1, Dhanbad (hereinafter referred to as CGIT No. 1, Dhanbad) in Reference No. 137 of 1991.

ii) Issue an appropriate writ/order/direction commanding upon the Respondents, more particularly the Respondent No. 3 not to direct the Petitioner to implement the Award dated

29.08.2006 in Ref No. 137/1991 of the Central Government Industrial Tribunal No. 1, Dhanbad as the Respondent No. 3 has failed to submit Pro Forma within 60 days from the date of publication of Award and the Presiding Officer, CGIT No. 1, Dhanbad also made it crystal clear that in no case the said period will be extended beyond 60 days and the case of the concerned workman will not be considered, and therefore the Award dated 29.08.2006 passed in Ref No. 137/1991 by the Central Government Industrial Tribunal No. 1, Dhanbad has become inoperative.

iii) Issue any other writ, order or direction as Your Lordships may appear just and proper for doing conscionable justice to the petitioner."

2. Arguments of the petitioner

a. The award as contained in annexure 1 in favour of the concerned workmen represented through the respondent no.3 has attained finality and the dispute relates to implementation of the award.

b. Learned counsel for the petitioner has referred to annexure- 7 which is a judgment passed by this Court in W.P.(L) No. 4004 of 2009 and has submitted that the impugned order has been passed pursuant to the said judgment.

c. An award was passed with respect to 397 persons and the award is dated 29.08.2006 passed in Reference Case No. 137 of 1991 with certain directions mentioned therein. The learned counsel has placed paragraph no. 7 of the award and has submitted that the award itself indicated that the parties were to act strictly in terms of the time-frame mentioned therein and certain documents/information were required to be furnished by the concerned workmen.

d. The award was not challenged by any person. However, in connection with implementation of the award, a show-cause notice dated 24/29.07.2009 was issued by the concerned respondent directing the present petitioner to implement the order and a notice under section 29 of the Industrial Disputes Act, 1947 was issued.

e. The aforesaid notice was challenged before this Court in W.P.(L) No. 4004 of 2009. Considering the fact that there was a dispute as to whether the parties had acted in terms of the award or not, the declaration sought for in the writ petition that the award dated 29.08.2006 passed in Reference Case No. 137 of 1991 was inoperative and could not be implemented, was not granted by this Court. However, the dispute was yet to be considered as to whether the parties had acted in terms of the award dated 29.08.2006.

f. In aforesaid circumstances, the writ petition was disposed of directing the Assistant Labour Commissioner, Central Dhanbad-I to consider the show-cause reply filed by the petitioner as back as on 08.08.2009 and pass appropriate order after granting opportunity of hearing to the parties. The show-cause reply has been placed on record at Annexure- 5.

g. The learned counsel for the petitioner has submitted that pursuant to the order passed in the earlier writ petition, the impugned order has been passed.

h. The learned counsel has placed the award passed earlier as contained in annexure-1 to the writ petition and submits that strict timeline was given to submit the documents by the concerned workmen and the required documents to be filed were also mentioned.

i. The learned counsel for the petitioner further submits that so far as the compliance of the direction regarding timeline for filing the documents by the respondent in terms of the aforesaid award (annexure-1) is concerned, the same may not be of much relevance as there is at best a gap of one day even as per the impugned order. The respondent no. 3 claims to have filed the documents on 06.12.2006 and the petitioner claims that the document by way of a chart was filed on 07.12.2006. The authority has accepted the filing of the said document to be within time.

However, the learned counsel submits that as per the award (annexure-1) itself, the documents as mentioned and indicated in the award were required to be filed by each workman. This part of the award (annexure-1) was not complied by the respondent no.3/ the concerned workmen inasmuch as, what was filed was only a chart giving certain entry in the columns with respect to each workman as Annexure- 6 to the writ petition and the documents mentioned as enclosure to annexure-6 were not filed. He submits that the directions contained in the award (annexure-1) was not complied and therefore, the Award dated 29.08.2006 (annexure-1) passed in Ref No. 137/1991 by the Central Government Industrial Tribunal No. 1, Dhanbad has become inoperative.

j. The learned counsel for the petitioner submits that when the aforesaid point was raised before this Court on an earlier date that except the chart, no documents mentioned in the covering letter were actually filed, this Court passed an order dated 17.10.2024 wherein it has been recorded that the learned counsel appearing on behalf of the respondent – Union had submitted that since it was mentioned that the chart was filed along with the supporting documents, he shall seek instruction and file supporting documents and photographs of each and every workman before this Court which were already filed along with the chart annexed with the writ petition as annexure-6 and the matter was adjourned for filing the affidavit.

k. The learned counsel for the petitioner submits that now the respondents have filed the affidavit enclosing certain documents in connection with 156 workmen only out of 397 workmen, although in the covering letter as contained in annexure-6 they claimed that the documents in connection with all the 397 workmen were furnished.

l. During the course of arguments and upon going through the documents which have been filed by the respondent no.3, it has been pointed out that at ***page no. 39*** of the affidavit, the date of

document is 03.09.2008 which is much after the 06.12.2006/07.12.2006 [the date of filing the document] and at page no. 94, 146, 195, 199 and 343 it has been mentioned as under:

> *"Certified to be true copy*
> *Sd/-*
> ***(3/04/19)***
> *Authorized by Presiding Officer,*
> *Central Government Industrial Tribunal*
> *(No.1) Dhanbad"*

m. Learned counsel for the petitioner submits that the enclosures which are claimed to have been filed with respect to 397 workmen along with the chart as contained in Annexure- 6 have not been brought on record in spite of grant of opportunity and alleged documents in connection with 156 workmen have only been filed and many of the documents as mentioned above itself reveal that they could not have been filed way back in the year, 2006.

n. The learned counsel submits that the order passed by this Court on 17.10.2024, wherein the respondent- Union was granted time to file supporting documents and photographs of each and every workman before this Court, has not been complied and thus, the respondent-Union has not been able to demonstrate before this Court that the documents were filed along with the chart as contained in annexure-6 to the writ petition. The learned counsel submits that since the documents were not filed along with the chart, therefore, the directions as contained in the award passed by the learned tribunal was not complied by the respondent no.3- Union and therefore, there is no question of violation of the award on the part of the petitioner which has been rendered inoperative and hence no direction could have been issued by the impugned order to implement the award and consequently, subsequent order as contained in Annexure 9 is also bad in law.

o. The learned counsel for the petitioner has further submitted that otherwise also so far as the impugned order is concerned, the

authority was not only required to decide the timeline, but was also required to consider as to whether the documents in terms of the award have been filed or not. He submits that the authority has only considered the timeline and has recorded a finding that it may be taken as to have been filed within time, but the authority has not examined any of the documents. He has submitted that since no documents were filed along with the chart, there was no occasion for the authority to decide the same. The learned counsel submits that the impugned order dated 14.07.2023 is fit to be set-aside and since the respondent-Union has not complied the award, the respondent authority could not have directed the petitioner to implement the award (annexure-1) dated 29.08.2006.

3. <u>Arguments of the Respondent no.3</u>

i. Learned counsel for the respondent no.3- Union has referred to internal page no. 4 of the impugned award at page 107 and has submitted that it was agreed and accepted by both the parties that the documents were submitted by Union on 07.12.2006. He submits that once it was accepted that the documents were submitted on 07.12.2006, there is no occasion for the petitioner to argue that the documents accompanying the letter dated 06.12.2006 filed on 07.12.2006 were not filed.

ii. Learned counsel for the respondent no. 3 – Union has further referred to paragraph 15 of the writ petition to submit that a reference has been made by the petitioner themselves that in the earlier writ petition in paragraph 12 of the counter-affidavit, the respondent Union stated that the list of workmen was submitted on 06.12.2006.

iii. The learned counsel for the respondent no.3 has also submitted that so far as time limit for filing the documents pursuant to the award (Annexure-1) is concerned, the documents have been held to be filed within time and such finding does not call for any interference.

iv. However, during the course of argument, the learned counsel for the respondent no.3 has not been able to explain as to why the respondent no.3 has not been able to submit the documents which were said to have been enclosed along with the list of workmen in spite of specific order passed by this Court on 17.10.2024. He is further not able to explain as to why certain documents in connection with only 156 workmen have been submitted before this court out of 397 workmen. The learned counsel has further not been able to explain as to how many of the documents sought to be produced in terms of the order of this Court, contain the date of 2008/2019 which the said respondent no.3 claim to have been filed with the petitioner way back in the year 2006.

4. **Rejoinder of the petitioner.**

In response, the learned counsel for the petitioner has submitted that the respondent no.3-Union was required to file the documents in terms of observations at internal page no. 6 of the award (annexure-1) read with the directions contained at the end of paragraph 7 of the award (annexure-1). The directions having not been complied, the award (annexure-1) has been rendered unenforceable.

Findings of this court.

5. The entire dispute revolves around implementation of award dated 29.08.2006 passed in Reference Case No. 137 of 1991. This writ petition is the 2nd round of litigation before this High Court. Earlier, the petitioner had moved this Court in W.P.(L) No. 4004 of 2009 which was decided vide order dated 17.05.2023. The sponsoring union was representing 397 persons as per the schedule to the terms of reference with respect to 5 collieries which were nationalized and taken over on 28.05.1974 under Coal Mines Nationalisation Act and were running under the management of the petitioner – company.

6. It was the case of the sponsoring union in the Reference Case No. 137 of 1991 that as a result of takeover, there was complete failure of law and order and taking advantage of the situation, the

management left out the genuine workmen who were working on the roll of the concerned company on the date of take over and some new persons were inducted as workmen in the five collieries. Initially, they had approached Calcutta High Court and also before the Hon'ble Supreme Court and ultimately the dispute was referred to the learned Tribunal vide order dated 26.11.1991 numbered as Reference Case No. 137 of 1991.

7. The terms of reference was as under:

> *"Whether the demand of the workmen of Jorekuri, Palesthali, Beldanga, Kasta, Pariharpur Collieries of M/S. Eastern Coalfield Ltd., Sanctoria, P.O. Disergarh (Burdwan) that the workmen named in the Annexure should be reinstated with all benefits of back wages and continuity of service from 28.5.74 when their services were stopped by the management, is justified? If so, to what relief are the workmen concerned entitled?"*

8. The learned tribunal entered into the core question involved in the case i.e., whether the concerned persons were the genuine workmen of the erstwhile owner on the date of nationalization and observed that the same was definitely a question which required a lot of investigation. The learned tribunal further observed that in terms of reference, only names of 397 persons had been mentioned, their parentage had not been mentioned nor their age or the permanent home address had been mentioned. The learned tribunal also observed that in order to verify the genuineness, form-B register of erstwhile owner was required to be perused and the information as to whether they were members of provident fund was also required to be probed into, but neither party had brought on record the said documents. The concerned persons had filed certificates from erstwhile owner which were marked Exhibit- W-1 to W-5 series to prove that they were workmen of erstwhile owner on the date of takeover of five collieries, but the genuineness of the certificates was required to be verified *vis-à-vis* Form -B register of erstwhile owner and provident fund record and also from the voter list of the locality of those collieries for the relevant year.

9. Consequently, the learned tribunal was of the view that a screening committee should be constituted to examine all these

aspects and there should be a representative of the sponsoring union and a nominee of the Regional Labour Commissioner (Central) of the concerned area to examine the genuineness of the concerned persons and also to find out if they were workmen on the roll of the erstwhile owner of the respective collieries. It was also observed that since the dispute was going on from 28.05.1974 and many of the concerned persons might have crossed the age limit of 60 years and many of them might not be available for some reasons or the other, therefore, screening committee was required. Further, the learned tribunal formulated a formula for screening of the concerned persons as mentioned in the award itself whereby all the concerned persons were to submit a proforma containing their name, parentage, age, permanent address, a recent photograph and any proof in support of their being workmen in the erstwhile colliery in the Personnel Department of the area of the colliery through sponsoring union within 60 days from the date of publication of the award. It was stipulated that in no case the period would extend beyond 60 days and if this was not complied by one or the other concerned person, their case would not be considered. It was only upon filing of such proforma by all the concerned persons, the management was to constitute a screening committee and include a nominee of Regional Labour Commissioner (Central) of the concerned area to be present in the screening committee along with one office bearer of the sponsoring union and genuineness of the concerned persons having worked with the erstwhile owner was to be examined. Thereafter, the screening committee was to publish a list of genuine persons. Such genuine persons so scrutinized were to be entitled for employment with continuity of service and 25% back-wages within 30 days from the publication of the list. It was also mentioned that if the management failed to follow the timeline, then it would be presumed that all the concerned persons whose names find place in the list of order of reference are the genuine workmen and they would be entitled for reinstatement with continuity of service w.e.f. 25.08.1974 and 25% back wages.

Paragraph 7 of the award is quoted as under:

"Now the question is whether the concerned persons were the genuine workmen of erstwhile owner on the date of nationalization is definitely a question which requires a lot of investigation. In the term of reference there is only the names of 397 persons. Their parentage has not been mentioned, nor there is mention of their age or the permanent home address. Therefore, a lot of exercise is required to be done for the identification of genuine workmen to find out whether any of the persons mentioned in the list, were the workmen of the erstwhile owner. For this purpose Form 'B' Register of erstwhile owner is required to be perused. The information regarding their being member of Provident Fund will also be required to be probe into, but neither party has brought on record the documents. The concerned persons, however, have filed certificates from the erstwhile owners which have been marked Exts. W-1 to W-5 series to prove that they were workmen of erstwhile owner on the date of take over of the aforesaid five collieries/coal mines. The genuineness of the certificates granted by the erstwhile owner is also to be verified vis-à-vis Form 'B' Register of erstwhile owner and the provident fund record and also from the voter list of the locality of those collieries for the relevant year.

Therefore, in such circumstances of this case I think that there should be a Screening Committee to examine all these aspects of this case in which there should be a representative of the sponsoring union and a nominee of the Regional Labour Commissioner (Central) of the concerned area to examine the genuineness of the concerned persons and also to find out if they were workmen on the roll of the erstwhile owner of the respective collieries. Furthermore, the dispute regarding the employment is going on right from 28.5.74 and many of the concerned persons might have crossed the age limit of 60 years and many of them might not be available for some reason or other. Therefore, in that view of the matter also a Screening is required. Therefore, I formulate a formula for the screening of the concerned persons to find out whether any of them were the workmen of erstwhile owner in any of the collieries mentioned in the reference order on the date of takeover or just before the date of take over. These formula will be as follows:

(i) All the concerned persons will submit a proforma containing their names, parentage, age, permanent address, a recent photograph and any proof in support of their being workmen in the erstwhile colliery in the Personnel Department of the area of the colliery through the sponsoring union within 60 days from the date of

publication of the award. In no case the period will be extended beyond 60 days i.e. if some one fails to file such format alongwith proof within 60 days through their sponsoring union then his case will not be considered on any later date.

(ii) The management of M/s E.C. Ltd. will constitute a Screening Committee and they will include a nominee of the R.L.C. (Central) of the concerned area to be present in the Screening Committee alongwith one office-bearer of the sponsoring union within 30 days from the last date of filing of the format mentioned above. Thereafter the Screening Committee will make sitting and decide the genuineness of the concerned persons for having been the workmen of the erstwhile owner. After examination of the claims of the concerned persons who will produce their claim format mentioned above within 30 days from the date of formation of the Screening Committee the Screening Committee will publish a list of genuine persons, if any, duly authenticated by the representative of the R.L.C.(C) of the concerned area also."

10. The award attained finality and was followed by notification publishing the award. The notification was served upon the Central Government vide communication dated 08.09.2006. The award was published vide notification dated 07.10.2006. The notification is contained in Annexure-2.

11. As per paragraph 19 of the writ petition, the 60 days expired on 06.12.2006 and the workmen did not comply with the terms of furnishing documents within time. A letter dated 14.10.2006 was served upon the petitioner enclosing a copy of the award and a request was made to initiate the required steps for implementation process. It is the case of the petitioner that the said letter was issued without submitting format containing details and particulars of the concerned workmen.

Thereafter, the petitioner was served with notice dated 10.07.2008 (Annexure-4) issued by the Assistant Labour Commissioner (Central) Dhanbad-I wherein it has been mentioned that they were informed by the Union that the Union had already submitted required proforma in respect of 397 workmen vide letter dated 14.10.2006 and a copy of the same was also enclosed and the petitioner was called upon to explain

as to why legal action be not taken against the management for non-implementation of the award under section 29 read with section 32 of the Industrial Disputes Act, 1947.

12. In response to the aforesaid, the petitioner issued letter dated 08.08.2009 and categorically stated that the Union/the concerned workmen did not abide by the directions as contained in award dated 29.08.2006, neither in terms of timeline nor in terms of content. It was their specific stand that the allegation by the Union that they actually submitted the proforma of 397 workmen on 14.10.2006 was absolutely incorrect, inasmuch as, the Union only forwarded copy of the award along with their letter dated 14.10.2006 and submitted the proforma as late as on 07th December, 2006 as admitted by the Union in their representation to the Regional Labour Commissioner (Central) Dhanbad-I dated 20.03.2007 (Annexure-A-3).

13. The petitioner has also brought on record a letter dated 06.12.2006 issued to the personnel manager of Personnel Department of Eastern Coalfields Limited by National Colliery Mazdoor Sangh and in the said letter, the sponsoring union mentioned that under the direction of the tribunal, they were submitting the list of 397 workmen who were the employees of erstwhile owners of five collieries. It was also mentioned that with the direction of the tribunal they were submitting the list in the office within 60 days and were also enclosing a copy of the award. The letter is a typed one and in the bottom of the said letter, the enclosures are mentioned as:

> *"1. Photocopy of the Award*
> *2. Names sheets along with all required documents/certificates verified by one Branch Secretary Shri B.D. Khan, Asst. Sect. Kadir Khan and vice president Shri Jayanti Singh."*

14. The petitioner has enclosed the chart said to have been submitted by the concerned workmen and at the top of the chart, it has been mentioned as follows:

> *"List of Workman of Jorekuri Colliery, Beldanga Colliery, Kasta Colliery, Parihar Pur Colliery and Palasthali Colliery under the Pandveshwar Aera of Eastern Coalfield Limited with their Home address, Designation, date of appointment etc. alongwith supporting documents. Central Govt. Industrial Tribunal No.I, Dhanbad with reference are 653 award dated 29-8-06 on the*

reference no. 137/91 of the Govt. order No. 20012(52)/83/III(A)I.R.(Coal-I), New Delhi, Dated 26-11-1991."

15. It was at this stage, the petitioner filed a writ petition being W.P.(L) No. 4004 of 2009 for the following reliefs:

> *"For a declaration that the award dated 29.08.2006 passed in reference case No. 137 of 1991 is inoperative and cannot be implemented.*
>
> *AND*
>
> *A further writ to quash the show cause notice dated 24/29.07.2009 issued by the concerned respondents directing the petitioner the implemented the said award and further writ directing the concerned respondents not to take in coercive steps pursuant to the notice dated 24/29.07.2009 issued to the petitioner.*
>
> *AND*
>
> *During the pendency of this writ application no coercive steps should be taken against the petitioner or their employees."*

16. The aforesaid writ petition being W.P.(L) No. 4004 of 2009 was essentially seeking a declaration that the award dated 29.08.2006 passed in Reference Case No. 137 of 1991 was inoperative and could not be implemented and the petitioner had also prayed for a writ to quash the show-cause notice dated 24/29.07.2009 issued by the concerned respondent directing the petitioner to implement the award.

17. It was the specific case of the sponsoring union in the earlier writ petition, who filed a counter-affidavit, that a letter dated 14.10.2006 for implementation of the award was submitted and on 06.12.2006 they submitted the list of workmen with the required details which was duly received in the office of the petitioner on 06.12.2006. It was submitted on behalf of the sponsoring union that the claim was lodged within the stipulated time from the date of publication of the award. A reference was made by the learned counsel appearing on behalf of the petitioner in the earlier writ petition to annexure- 4 of the said writ petition which was issued by an Advocate namely, B.N. Singh, who claimed to be the office bearer of

the Union and in paragraph 5 of the representation dated 18.11.2006, the said Advocate had informed that till date, no existent workmen and no real dependent of non-existing workmen had turned up before him in terms of the award to get his name sponsored for employment etc. The petitioner also disputed the date of submission of documents by the sponsoring union and stated that no supporting document was filed by the sponsoring union.

18. After having recorded the aforesaid submissions, this Court disposed of the said writ petition in the following terms:

> ***"9.*** *After hearing the learned counsel for the parties and considering the facts and circumstances of this case, this court finds that the award dated 29.08.2006, having strict time line, was published on 07.10.2006. From the arguments of the parties it appears that there is a dispute as to whether the respondent No. 2 had taken steps in terms of the award or not. It further appears that the respondent Ministry of Labour, Government of India had issued a letter dated 24/29.07.2009 asking the petitioner to show cause as to why legal action under Section 29 read with Section 32 of the Industrial Disputes Act be not taken for non-implementation of the award to which the petitioner had filed a reply as contained in Annexure-11 stating that the direction issued by the learned Tribunal upon the respondent union has not been complied.*
>
> ***10.*** *It appears that in the meantime, interim order dated 10.12.2009 was passed by this court and the respondents have not proceeded further regarding the show cause issued to the petitioner during the pendency of this case.*
>
> ***11.*** *Considering the dispute as to whether the respondent No. 2 had complied with the time line as prescribed in the award or not, this court finds that the petitioner has filed his show cause to the notice dated 24/29.07.2009 and therefore an appropriate order is required to be passed by the Authority upon considering the reply to show cause filed by the petitioner. Since the rights of the respondent No. 2 is involved in the present case, therefore the respondent No. 2 is also required to be heard while disposal of the show cause reply filed by the petitioner.*
>
> ***12.*** *In view of the aforesaid facts and circumstances, when there is a dispute as to whether the parties have acted in terms of the award or not, this court is of the considered view that no declaration as prayed for by the petitioner can be made by this court at this stage as to whether the award dated 29.08.2006, passed in Reference Case No. 137 of 1991, is inoperative or not*

and whether it can be implemented or not. However, the reply to the show cause submitted by the petitioner is certainly required to be taken care of and appropriate order is required to be passed.

13. *Accordingly, this writ petition is disposed of directing the Assistant Labour Commissioner, Central Dhanbad-I to consider the show cause reply filed by the petitioner as back as on 08.08.2009 and pass an appropriate order after granting an opportunity of hearing to the petitioner as well as to the respondent No. 2. The petitioner as well as respondent No. 2 shall appear before the respondent No. 3 on 13.06.2023 at 11.00 a.m. Upon their appearance, the respondent No. 3 shall consider the show cause reply filed by the petitioner and also the points to be raised by the respondent No. 2 before the said Authority and pass a reasoned order after granting an opportunity of hearing to the petitioner as well as respondent No. 2. The respondent No. 3 shall pass a reasoned order within a period of one month from the date of receipt of the representation and communicate the same to the petitioner as well as respondent no.2 at their respective address to be provided to the respondent no.3."*

19. Pursuant to the order passed by this Court, the concerned authority namely, Assistant Labour Commissioner, (Central) Dhanbad-I passed the impugned order dated 14.07.2023.

20. The concerned authority recorded that on 19.06.2023, the representative of the management had appeared and the stand of the management was reiterated again by the representative of the management on the date of hearing on 19.06.2023 and has also recorded that it was agreed and accepted by both the parties that the documents were submitted by the Union on 07.12.2006. After having recorded as aforesaid, the authority posed a moot question as follows:

"The moot question is, which is the correct date of publication of award for the purpose of reckoning of the period of 60 days from the date of publication of award as stipulated by the CGIT Dhanbad-I?"

21. With respect to the date of publication of the award and compliance with the timeline, as prescribed in the award, the authority observed as under:

"If it is consider that the date of submission of documents by the union was on 7/12/2006, the period taken by the union to submit proforma to the management is 61 days. Therefore, the union is stating in their support that though the notification is published by the Authority on 7th October, 2006 (Saturday), the same should

have been received on Monday or thereafter to justify the delay of one day on their part."

22. With respect to the aforesaid, the authority further held as under:

"In view of the above order of the Hon'ble Supreme Court as well as provision of the ID Act 1947 I am of the opinion that the stand of the management is not acceptable in calculating the limitation for implementation of award of 60 days from the date 08/09/2006 as it was only the date of receipt of award by the Ministry of Labour & Employment, New Delhi from the CGIT Dhanbad-I."

23. The learned authority ultimately recorded that the show-cause notice reply dated 08.08.2009 from the management has been considered as per the direction of the High Court. The operative portion of the impugned order is quoted as under:

"The period specified for 60 days submission of document by the claimant, the intention of CGIT prompt expedite procedure of screening the application. It does not mean restriction impose on operation of award"
"The Show Cause notice reply dated 08.08.2009 from the management have been considered, as per direction of the Hon'ble High Court of Jharkhand at Ranchi and in the light of the above, the management of M/s Eastern Coalfields Limited is hereby advised to implement the award in Ref.No.137/91 dated 29.08.2006 of CGIT, Dhanbad-I in letter and spirit".

24. It is apparent from the earlier order passed by this court while remanding the matter through W.P.(L) No. 4004 of 2009 that there was a serious dispute as to whether the documents were submitted in terms of the award.

25. This Court is of the considered view that the authority was required to consider not only whether the documents were filed within time as per the Award, but also whether the concerned workmen had complied with the directions contained in the award. This Court finds that the authority while passing the impugned order has simply recorded that the timeline was followed, but has not examined the other aspects of the matter and proceeded by observing that it was agreed and accepted by both the parties that documents were submitted by the union on 07.12.2006. The authority did not examine

as to whether the documents were submitted in terms of the award or not and whether the required proforma were submitted or not.

This Court also finds that in the entire impugned order, there is no discussion of the stand taken by the petitioner in its show-cause reply dated 08.08.2009 wherein a plea was raised that the directions issued by the tribunal in the award were not followed in terms of timeline and also in letter and spirit and the impugned order only considered the timeline but has not considered as to whether the documents were filed in terms of the award and to what extent.

Consequently, this Court passed an order dated 17.10.2024 which is quoted as under:

> *"Heard the learned counsels for the parties.*
>
> ***2.*** *The learned counsel for the petitioner has submitted that pursuant to the award dated 29.08.2006 passed in Reference Case No.137 of 1991, the respondent-Union had only submitted the list of the workmen total 397 in number, who were claiming that they were ex-employees of the colliery way back in the year 1971. He submits that although at the top of page no.55, it has been stated that the chart was being submitted along with the supporting documents, but no supporting documents, photographs etc. were submitted.*
>
> ***3.*** *The learned counsel appearing on behalf of the respondent-Union has submitted that since it has been mentioned that the chart was filed along with the supporting documents, he shall seek instruction and file supporting documents and photographs of each and every workman before this Court which were already filed along with the chart annexed with the writ petition.*
>
> ***4.*** *Let the affidavit be filed by 18.12.2024.*
>
> ***5.*** *The affidavit of the Union should clearly indicate as to whether these documents were filed along with the chart or not.*
>
> ***6.*** *Post this case on 19.12.2024 in the supplementary cause list.*
>
> ***7.*** *Interim order dated 03.07.2024 passed earlier is directed to continue till 19.12.2024."*

26. Pursuant to the said order, the respondent no. 3 has filed a reply vide supplementary counter-affidavit dated 20.12.2024. The respondent no. 3 has specifically stated in paragraph 5 of its affidavit that documents of 156 workmen only were filed along with chart which was being filed along with the supplementary counter-affidavit. It has also been stated that in the case of some of the workmen, their letter issued by the management of the erstwhile colliery was lost due

to which Sanha/FIR was also enclosed. Paragraphs 5 and 6 of the supplementary counter-affidavit are quoted as under:

> ***"5.*** *That, as such documents of 156 workmen were filed along with the chart which are also being filed here with this supplementary affidavit.*
>
> *Photocopies of Voter Card along with photographs and the letters issued by the management of erstwhile colliery are being annexed and marked as Annexure 1/Supp Series to this affidavit.*
>
> ***6.*** *That, in case of some of the workmen their letter issued by the management of the erstwhile colliery was lost due to which Sanha/F.I.R. have been enclosed."*

27. Through the supplementary counter-affidavit, the concerned union has admitted before this Court that they had filed documents only with respect to 156 workmen along with chart. Further, in the impugned order it has been recorded that on the date of hearing on 19.06.2023 it was agreed and accepted by both the parties that the documents were submitted by the Union on 07.12.2006 and the date of submission of documents has been accepted to be within the period prescribed by the tribunal. The concerned authority (Respondent no.2) also considered that at best there was a default of 1 day and this was accepted to be within time on account of intervening weekend. However, the learned authority (Respondent no.2) has not considered as to whether the documents submitted were in terms and in consonance with the directions issued by the tribunal in award passed in Reference Case No. 137 of 1991 which was under implementation.

28. Considering the nature of controversy and upon being given an opportunity to place on record the documents submitted by the Union, the documents with respect to only 156 out of 397 workmen have been produced through supplementary counter affidavit. It has also been recorded in the order dated 30.06.2026 that the respondent no. 3 was not able to explain as to how, many of the documents which were subsequently issued, could have been filed way back in 2006 and as to why certain documents in connection with only 156 workmen have been submitted before this court out of 397 workmen. The observation in the order dated 30.06.2026 is quoted as under: -

> *"**4.** However, during the course of argument, the learned counsel for the respondent no.3 has not been able to explain as to why the respondent no.3 has not been able to submit the documents which were said to have been enclosed along with the list of workmen in spite of specific order passed by this Court on 17.10.2024. He is further not able to explain as to why certain documents in connection with only 156 workmen have been submitted before this court out of 397 workmen. The learned counsel has further not been able to explain as to how many of the documents sought to be produced by the order of this Court, contain the date of 2008/2019 which the said respondent claim to have been filed with the petitioner way back in the year 2006."*

29. It is just to put on record that the respondent -union has not annexed even one proforma in terms of the award (Annexure-1) along with their supplementary counter-affidavit although as per impugned order it was agreed between the parties that documents were submitted by the Union on 07.12.2006. Further, the respondent union has admitted that they had submitted the documents only with respect to 156 workmen. However, the respondent no.2 having not examined as to whether the documents filed even with respect to 156 out of 397 workmen were in terms of the award or not and whether required proforma were also filed or not in terms of the award with respect to 156 workmen, this court refrains from examining this aspect of the matter for the first time in writ jurisdiction. The needful is required to be done by the learned authority (Respondent no.2) before proceeding further to implement the award.

30. In aforesaid circumstances, the impugned order rejecting the show cause reply filed by the petitioner, being incomplete in aforesaid aspects of the matter as to whether the documents filed by the Union were in consonance with the directions issued by the award under implementation, cannot be sustained in law except to the extent that filing of certain documents on 07.12.2006 has been rightly taken as having been filed within time. However, it remains to be examined as to whether the documents filed with respect to 156 workmen out of 397 workmen were as per the directions passed in the award.

31. Accordingly, the respondent no.2 is directed to examine the matter regarding each of 156 workmen, whose documents were said to

have been filed on 07.12.2006, in the light of the directions issued in the award under implementation and in case the directions contained in the award are found not to have been complied by the union/ concerned workmen, no relief can be granted to one or the other workman in the matter of implementation of the award as the award itself would be rendered unimplementable when seen in the light of the directions contained in the award itself.

32. The office is directed to forward a copy of the supplementary counter affidavit dated 20.12.2024 (filed on 14.01.2025) filed by the Union (Respondent no.3) along with its annexures to the concerned authority (Respondent no.2) for his perusal and needful.

33. The petitioner and the respondent no. 3 shall appear before the respondent no.2 on 14th of December, 2026 at 11.00 a.m. and the respondent no.2 is directed to pass a reasoned order after giving an opportunity of hearing to the parties in the light of the aforesaid discussions within a period of 1 month thereafter and communicate the order to the parties through speed post.

34. This writ petition is disposed of with the aforesaid observations and directions.

35. Pending interlocutory application, if any, is dismissed as not pressed.

36. Let this order be communicated to the concerned authority (Respondent no.2) through 'FAX/email'.

(Anubha Rawat Choudhary, J.)

Date of Judgment: 18.11.2026
Pankaj
Date of Uploading: 18.11.2026