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HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 3 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh, Age 57 Years Office 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn. Jail Road, Raipur 492001 (C.G.)

---- Petitioner

Versus

- Hemlal Sahu S/o Shri Arjun Singh Sahu, R/o Mathpara, Birgaon, Vinod Kirana Store Ke Pass, District Raipur (C.G.)

---- Respondent

AND

WPL No. 7 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh, S/o Shri Raghuraj Singh Age 57 Years Office 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn. Jail Road, Raipur 492001 (C.G.)

---- Petitioner

Versus

- Ishwar Kumar Nishad S/o Shri Motiram Nishad R/o Gram Kurud, P.O. Silyari, District Raipur (C.G.)

---- Respondent

AND

WPL No. 9 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Aged 57 Year Office -3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jai Road, Raipur 492001 Chhattisgarh.

---- Petitioner

Versus

- Dhananjay Pandey S/o Shri Rameshwar Pandey, R/o Ward No. 12, Vivekanand Nagar, Bavbrad Durg, District Durg Chhattisgarh.

---- Respondent

AND

WPL No. 11 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited, Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age--57 Years Office -3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur -492001



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Chhattisgarh

---- Petitioner

Versus

- Nasim Mohammad S/o Shri Haseem Mohammad, R/o M.N. 786/92, Gosiya Chowk, Dhoobi Gali, Selani Pan Palace, Sanjay Nagar, District Raipur Chhattisgarh.

---- Respondent

AND

WPL No. 12 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age 57 Years Office- 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur - 492001 (C.G.)

---- Petitioner

Versus

- Gangesh Kumar Dwivedi S/o Shri Dayanand Dwivedi R/o Housing Board Colony, J- 680, Tilak Nagar Gudiyari, District : Raipur, Chhattisgarh

---- Respondent

AND

WPL No. 13 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age 57 Years Office- 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur - 492001 (C.G.)

---- Petitioner

Versus

- Gokul Kumar Sahu S/o Shri Janak Sahu R/o Mowa, Kanpa Basti, Satnaam Bhavan Ke Phiche, Ratan Kirana Dukaan Ke Pass, District : Raipur, Chhattisgarh

---- Respondent

AND

WPL No. 14 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age 57 Years, Office 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn. Jail Road, Raipur 492001 (C.G.)

---- Petitioner

Versus



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- Narendra Bangale S/o Shri Madhukar Bangale R/o 20-B, Housing Board Colony Kota, Pani Ki Tanki Ke Pass, District Raipur (C.G.)

---- Respondent

AND

WPL No. 15 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Aged -57 Years Office -3rd Floor Krishna Glory Complex, Sainagar Nr. Hotel Babylon Inn, Jail Road, Raipur - 492001 Chhattisgarh.

---- Petitioner

Versus

- Ajay Kumar Saxena S/o Shri Surendra Kumar Saxena, M.N. C-73, Gayatri Nagar, Raipur P. Shankar Nagar, District Raipur Chhattisgarh.

---- Respondent

AND

WPL No. 17 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh, Age 57 Years Office 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur 492001 (C.G.)

---- Petitioner

Versus

- Omprakash Dubey S/o Shri Jwalaprasad Dubey Ward No. 32, Nagar Palika Nigam Ke Paas, Nageshwar Nagar, Birgaon, District Raipur (C.G.)

---- Respondent

AND

WPL No. 21 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through - Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age-57 Years Office-3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn. Jail Road, Raipur - 492001 (C.G.)

---- Petitioner

Versus

- Chintamani Sahu S/o Shri Ramkishun Sahu Residence Of Gram Semaria, Anand Marg School Ke Piche, P.O. Nardaha, District Raipur (C.G.)

---- Respondent



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AND

WPL No. 22 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through - Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Aged - 57 Years Office - 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn. Jail Road, Raipur, Chhattisgarh. 492001.

---- **Petitioner**

Versus

- Santosh Singh S/o Shri Kailash Singh Residence Of Durdarshan Kendra Ke Phiche, Aganwadi Ke Pass, Dharampura No. 01, Jagdalpur, District - Bastar, Chhattisgarh.

---- **Respondent**

AND

WPL No. 23 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through - Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Aged - 57 Years Office - 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn. Jail Road, Raipur, Chhattisgarh. 492001.

---- **Petitioner**

Versus

- Praful Kumar Masih S/o Shri Prem Kumar Masih, Residence Of 574, Aadarsh Chowk, May Dental Clinic Ke Samne, Rajatalab, District - Raipur, Chhattisgarh.

---- **Respondent**

AND

WPL No. 27 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited, Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age 57 Years, Office 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur 492001 (C.G.)

---- **Petitioner**

Versus

- Satish Kumar Sandilya S/o Shri Mohbu Singh Sandilya R/o Gram Pandrabhata, P.O. Kura, District Raipur (C.G.)

---- **Respondent**

AND

WPL No. 40 of 2024



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- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age 57 Years, Office 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road Raipur, 492001 (C.G.)

---- Petitioner

Versus

- Deepak Pandey S/o Late Shri Arun Kumar Pandey R/o Bajarpara, Bakavand, Jagdalpur, District Bastar (C.G.)

---- Respondent

AND

WPL No. 55 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age-57 Years Office -3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur-492001, C.G.

---- Petitioner

Versus

- Shriram Sinha S/o Shri Shriram Prasad Sinha Residence Of Block No. 30, B.S.U.P. Housing Board, Kachna, Saddu, Raipur, C.G.

---- Respondent

AND

WPL No. 56 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Authorized Singnatory, Pushpendra Singh S/o Shri Raghuraj Singh Age - 57 Years, Office -3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur - 492001, Chhattisgarh.

---- Petitioner

Versus

- Danish Anwar S/o Anwar Ahmed Residence Of 539, Rajeev Bhavan, Brahamanpara, Raipur, District - Raipur, Chhattisgarh.

---- Respondent

AND

WPL No. 57 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age 57 Years Office- 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn. Jail Road, Raipur - 492001 (C.G.)

---- Petitioner



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Versus

- Yogendra Thakur S/o Late Shri K.S. Thakur R/o Lohar Gali, Balaji Ward, Jagadalpur, District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

AND

WPL No. 59 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age-57 Years Office-3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn. Jail Road, Raipur, Chhattisgarh.- 492001

---- Petitioner

Versus

- Lalit Kumar S/o Shri Jhumuk Lal Residence Of House No. 38 Bazar Chowk Talab Ke Pass, Goodhi Bhatapara, Singarpur, District- Balodabazar, Chhattisgarh.

---- Respondent

AND

WPL No. 60 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Authorized Singnatory, Pushpendra Singh S/o Shri Raghuraj Singh Age - 57 Years, Office -3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur - 492001, Chhattisgarh.

---- Petitioner

Versus

- Shyamji Tiwari S/o Shri Laxmi Prasad Tiwari Residence Of M.No. 507, Ward No. 10, Sai Mandir, Moti Chowk, Shankar Nagar, District - Durg, Chhattisgarh.

---- Respondent

AND

WPL No. 61 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Singnatory, Pushpendra Singh S/o Shri Raghuraj Singh Age - 57 Years, Office -3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur - 492001, Chhattisgarh.

---- Petitioner

Versus

- Bhanwarlal Bothra S/o Late Shri Mangilal Bothra Residence Of Pankaj Printers, Main



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Road, Jagdalpur, District - Bastar, Chhattisgarh.

---- Respondent

AND

WPL No. 62 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited, Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age-57 Years Office- 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur-492001, C.G.

---- Petitioner

Versus

- Mukesh Kumar Verma S/o Shri Gajadhar Singh Verma Residence Of Ward No. 3, Akhara Bhatapara, P.O. Patan, District Durg, C.G.

---- Respondent

AND

WPL No. 64 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age-57 Years Office -3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur-492001, C.G.

---- Petitioner

Versus

- Mayur Malhar Bakshi S/o Shri Shri M. R. Bakshi Residence Of M. N. 217, National Convent School Ke Piche, Under Nagar, Dist. Raipur, C.G.

---- Respondent

AND

WPL No. 65 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age 57 Years Office- 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn. Jail Road, Raipur - 492001 (C.G.)

---- Petitioner

Versus

- Ghanshyam Gupta S/o Late Shri Narayan Prasad Gupta R/o 38/203, Hanuman Mandir Ke Piche Tatyapara, Raipur (C.G.)

---- Respondent

AND



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WPL No. 67 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh, S/o Shri Raghuraj Singh Age 57 Years Office 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babbhon Inn. Jail Road, Raipur 492001 (C.G.)

---- Petitioner

Versus

- Sameer Sen S/o Shri Sunil Kanti Sen R/o Matrisangh Kumharpara, District Jagdalpur (C.G.)

---- Respondent

AND

WPL No. 68 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory Pushpendra Singh, S/o Shri Raghuraj Singh, Age - 57 Years , Office - 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur - 492001, Chhattisgarh.

---- Petitioner

Versus

- Mukesh Kumar Sahu S/o Late Shri Loknath Sahu R/o L.I.G. 558, Sector 4, Housing Board Colony, Saddu, District : Raipur, Chhattisgarh

---- Respondent

AND

WPL No. 69 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through- Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh, Aged 57 Years, Office-3rd, Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur, Raipur- 492001 (Cg)

---- Petitioner

Versus

- Pramesh Kumar Sahu S/o Shri Nenuram Sahu, Residence Of Gram Evam P.O.- Devartilda, Thana-Kharora, District Raipur (Cg)

---- Respondent

AND

WPL No. 70 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory,



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Pushpendra Singh S/o Shri Raghuraj Singh, Age - 57 Years Office - 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur - 492001, Chhattisgarh.

---- Petitioner

Versus

- Chova Ram Verma S/o Shri Keju Ram Verma R/o Mathpara, Urkura, P.O. Beergaon, District : Raipur, Chhattisgarh

---- Respondent

AND

WPL No. 71 of 2024

- Nai Duniya A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age-57 Year Office -3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn. Jail Road, Raipur -492001 Chhattisgarh.

---- Petitioner

Versus

- Santosh Yadav S/o Late Shri Sakharam Yadav R/o Lakhnagar, Goutam Nagar, Nagrik Kalyan Samiti Ke Samne, District Raipur Chhattisgarh.

---- Respondent

AND

WPL No. 72 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age 57 Years Office -3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur-492001, Chhattisgarh

---- Petitioner

Versus

- Basant Dahiya S/o Shri Bhejrao Dahiya R/o Sadar Ward S.B.I. Ke Piche, Dharmshala Gali, Jagdalpur, District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

AND

WPL No. 74 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Authorized Singnatory, Pushpendra Singh S/o Shri Raghuraj Singh Age - 57 Years, Office -3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur - 492001, Chhattisgarh.



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---- Petitioner

Versus

- Mohd. Shah S/o Marhum Zahur Ahmed Residence Of Mohd. Shah (Patrakar) Shashkiy Prathmik School Ke Samen, Nvagaon Ward, Dhamtari, Chhattisgarh. Pin Code 493 773, Thana City Kotwali, Dhamtari, Chhattisgarh.

---- Respondent

AND

WPL No. 76 of 2024

- Nai Duni A Unit Of Jagran Prakashan Limited, Authorized Singnatory, Pushpendra Singh S/o Shri Raghuraj Singh Age - 57 Years, Office -3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur - 492001, Chhattisgarh.

---- Petitioner

Versus

- Purnachandra Rath S/o Late Shri S.N. Rath Residence Of B-6, Sales Tax Colony, Khamardih, Shankar Nagar, District - Raipur, Chhattisgarh.

---- Respondent

AND

WPL No. 78 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age-57 Years Office-3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn. Jail Road Raipur, Chhattisgarh. Pin-492001

---- Petitioner

Versus

- Satish Kumar Verma S/o Shri Devendra Kumar Verma R/o Gajanand Mandir Ke Pichhe, Tatyapra, Chowk, District- Raipur, Chhattisgarh.

---- Respondent

AND

WPL No. 79 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age-57 Years Office- 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn. Jail Road Raipur, Chhattisgarh. Pin-492001.

---- Petitioner



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Versus

- Dinesh Kumar Uikay S/o Shri P.R. Uikay R/o Harshit Vihar, Urkura P.O. Beergoan, District- Raipur, Chhattisgarh.

---- Respondent

AND

WPL No. 84 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory Singnatory, Pushpendra Singh S/o Shri Raghuraj Singh Aged-57 Years Office- 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road Raipur, Chhattisgarh. 492001

---- Petitioner

Versus

- Lokesh Kumar Sahu S/o Shri Shivkumar Sahu R/o Gram Post Tarsiva, Dhamtari, Chhattisgarh.

---- Respondent

AND

WPL No. 85 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age-57 Years Office- 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur-492001, C.G.

---- Petitioner

Versus

- Shiv Kumar Sahu S/o Shri Babu Ram Sahu Resident Of Shiv Nagar, Chouhan Kirana Dukan, Shitala Mandir, Ke Paas, Rama Tailer, New Changorabhata, Dist. Raipur, C.G.

---- Respondent

AND

WPL No. 86 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Authorized Singnatory, Pushpendra Singh S/o Shri Raghuraj Singh Age - 57 Years, Office -3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur - 492001, Chhattisgarh.

---- Petitioner

Versus

- Kunal Dutt Mishra S/o Shri Dilip Kumar Mishra Residence Of Bees Pani Tanki Ke Paas, Mahadev Ghat Se Bhathagaon Road, District - Raipur, Chhattisgarh.



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---- Respondent

AND

WPL No. 87 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh, Age 57 Years, Office- 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur, District : Raipur, Chhattisgarh

---- Petitioner

Versus

- Virendra Kumar Sharma S/o Rambishal Sharma R/o Shanti Vihar Colony, Dangniya, District : Raipur, Chhattisgarh

---- Respondent

AND

WPL No. 88 of 2024

- Nai Duniya A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Aged -57 Years Office- 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur - 492001 Chhattisgarh.

---- Petitioner

Versus

- Govind Prasad Chadhar S/o Shri Amol Singh Cha dhar R/o Gram Karaiya, P.O. Bilani, Thana Pathriya District Damoh (Mp)

---- Respondent

AND

WPL No. 89 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited, Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh, Age-57 Years, Office-3rd Floor Krishna Glory Complex, Sainagar, Nr. Hote Babylon Inn, Jail Road, Raipur-492001 (C.G.)

---- Petitioner

Versus

- Mohd. Imran Khan S/o Shri Mohd. Umar Khan, Resident Of Nag Patwari Ke Ghar Ke Paas, Banglapara, District-Narayanpur (Cg)

---- Respondent

AND



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WPL No. 90 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Authorized Singnatory, Pushpendra Singh S/o Shri Raghuraj Singh Age - 57 Years, Office -3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur - 492001, Chhattisgarh.

---- Petitioner

Versus

- Ved Prakash Tripathi S/o Shri Ramkarpal Tripathi Residence Of Machhi Talab, Santoshi Mandir Ke Paas, Gudiyari, District - Raipur, Chhattisgarh.

---- Respondent

AND

WPL No. 91 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age-57 Years Office- 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur-492001, C.G.

---- Petitioner

Versus

- Gopal Soni S/o Shri Ghanshyamlal Soni Resident Of Shahid Bhagat Singh Chowk, Shanti Nagar Udyan Ke Samne, Dist. Raipur, C.G.

---- Respondent

AND

WPL No. 93 of 2024

- Nai Dunia A Unit Of Jagran Prakashan Limited Through Authorized Signatory, Pushpendra Singh S/o Shri Raghuraj Singh Age-57 Years Office- 3rd Floor Krishna Glory Complex, Sainagar, Nr. Hotel Babylon Inn, Jail Road, Raipur-492001, C.G.

---- Petitioner

Versus

- Dinesh Kumar Verma S/o Late Shri Rajkumar Verma S/o Shri Gajadhar Verma, Residence Of Third Floor, Krishna Glory, Complex, Sai Nagar, District - Durg, Chhattisgarh.

---- Respondent

(Cause Title is taken from Case Information System)

For Petitioner : Mr. Girish Patwardhan, Senior Advocate,
Mr. Manoj Dubey, Advocate, &



For Respondents : Mr. Manay Nath Thakur, Advocate
Mr. Vikash Dubey, Advocates

Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

02.05.2024

- 1) Since a common question of law and facts is involved in these petitions, therefore, they are clubbed together, heard together and decided finally by this common order.
- 2) Facts of the present case are as follows:-
 - A. The petitioner is a newspaper establishment situated in Raipur, engaged in the printing and publishing of newspapers in the name and style of 'Naidunia'. It is a unit of Jagran Prakashan Limited (hereinafter referred to as "JPL").
 - B. The effective date of demerger of Nai Duniya is 01.04.2012. The petitioner is governed by provisions of Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (hereinafter referred to as "Act of 1955").
 - C. Under the provisions of the Act of 1955, the Central Government constituted a Wage Board in the name of Majithia Wage Board (hereinafter referred to as "Wage Board"), which made its recommendation to fix/revise rates of wages for Working Journalists and Other Newspaper Employees in the newspaper establishments. The judgments regarding the demerger were passed by the High Court of Madhya Pradesh, (Indore Bench) in Company Petition No. 24 of 2012 decided on 16.01.2013 and by the High Court of Allahabad in Company Petition No. 30 of 2012 delivered on 29.01.2013.
 - D. The scheme of arrangement between Nai Duniya and JPL was filed in Company Petition No. 24 of 2012 before the High Court of Madhya Pradesh Bench at Indore.
 - E. The petitioner took liability and assets into account in the audited balance sheet for the financial year ending on



31.03.2012 and the same was approved by the High Court of Allahabad.

- F. The recommendation of the Wage Board was accepted by the Central Government on 25.10.2011 and notified vide S.O. No. 2532 (E) dated 11.11.2011 in the Gazette of India.
- G. Section 13 (A) of the Act of 1955 deals with the "Power of Government to fix interim rates of wages". The notification remained in force until the order of the Central Government under Section 12 of the Act of 1955 came into operation.
- H. According to the scheme of the arrangement annexed to the judgment passed by the High Court of Allahabad, the petitioner had to provide employment to all existing employees of the company on the same terms and conditions.
- I. On the date of acceptance of the recommendation of the Wage Board, the petitioner was the owner of the newspaper establishment at Raipur. The respondents claim to be employees of the Nai Duniya, Raipur newspaper establishment and further claim to be eligible for the revised grade in accordance with the recommendation of the Wage Board. They moved an application under Section 17 (1) of the Act of 1955 before the Labour Commissioner, Raipur for the recovery of arrears of un-deducted and unsettled amounts, and difference of wages as per the Wage Board recommendations.
- J. It is claimed in the applications that the Nai Duniya is a Class-I category newspaper as per the claim sheet. They claimed the amount for a certain period and the respondents enclosed Form-C along with the calculation sheet.
- K. The Labour Commissioner issued notice to the petitioner and thereafter the reply was filed.
- L. The Petitioner stated in the reply that the respondents are not entitled to claim any amount on the strength of the Wage Board's recommendation and their claims are contrary to the provisions of the Act and Rules.



M. The learned Labour Commissioner, Raipur commenced the conciliation proceedings and thereafter the failure report under Section 12(4) of the Industrial Disputes Act, 1947 was submitted to the Secretary, Government of Chhattisgarh, Raipur.

N. Under Secretary to the Labour Department referred the dispute of entitlement of amount and all the claims of the respondents under Section 17(2) of the Act of 1955 and Sections 10 (1)(C) & 12(5) of the Industrial Disputes Act, 1947.

O. The learned Labour Court, Raipur on receipt of the reference of Under Secretary registered the matter as a reference case No. 82/Ref/17 and issued notice to the petitioner. The petitioner filed its detailed written statement and preliminary objections.

P. The respondents in the pending reference cases moved an application under Order 11 and Rule 12 of the Civil Procedure Code (hereinafter referred to as, 'the CPC') seeking production of certain documents.

Q. The respondents sought a copy of the agreement regarding the takeover of the Nai Duniya newspaper by JPL, the annual report submitted by Nai Duniya Media Ltd. for the years 2010-2011 and, 2011-2012 to the Union of India, Ministry of Company Affairs and turnover of JPL for the year 2011-2012 and 2012-2013.

R. The petitioner in respective cases filed the reply and denied the contention of the respondents. It is stated by the petitioner that the first document sought by the respondents was already produced before the High Courts of Allahabad and Madhya Pradesh.

S. With regard to the second document, it is stated that Nai Duniya Media Ltd. is a separate entity, which has not been arrayed as a party in the matter before the High Courts of Madhya Pradesh and Allahabad. It is also stated that the document so sought for, can be obtained from the Nai Duniya Media Limited.

T. With regard to the third document, it is stated that the document so sought is not relevant.



U. The learned Labour Court vide order dated 12.09.2023 allowed the applications moved by the respondents and the petitioner was directed to produce those documents by the next date of hearing. Thereafter, the petitioner has preferred these petitions against the order(s) passed by the learned Labour Court dated 12.09.2023.

3) Mr. Girish Patwardhan, learned Senior Advocate appearing for the petitioner submitted as under:-

A. The respondents are not entitled to receive any amount under the Wage Board recommendations constituted under the Act of 1955.

B. It is argued that as per the Wage Board's recommendation, for classification of newspaper, Section-II of Clause 3 will be taken into consideration for the purpose of fixation and revision of rates of wages in respect of working journalist and non-journalist newspaper employees.

C. The classification of newspapers will be based on the average gross revenue of three (3) accounting years i.e. 2007–2008, 2008–2009 and 2009–2010.

D. It is further argued that there is no agreement regarding takeover or demerger and said transactions are based upon the judgment passed by the High Court of Madhya Pradesh dated 16.01.2013 in Company Petition No. 24 of 2012 and the final judgment pronounced by the High Court of Allahabad in Company Petition No. 30 of 2012 on 29.01.2013, and both the orders have already been taken on record.



E. Learned Senior counsel further submitted that Nai Duniya Media Ltd. is a separate entity and is not a party to the pending reference proceedings before the learned Labour Commissioner, Raipur, therefore, no direction can be used to the petitioner to produce the documents relating to the third-party.

F. It is argued that the documents so sought by the respondents are irrelevant as the gross revenue for the financial years 2011–2012 and 2012–2013 will not be relevant for the purpose of calculating the amount payable under the Act of 1955 in respect to the Wage Board's recommendation.

G. It is argued that the documents for the purpose of calculating the Wage Board recommendation and fixation of classification of the gross revenue of three accounting years i.e. 2007–2008, 2008–2009 and 2009–2010, are relevant.

H. It is also argued that for deciding the issue of the amount payable under the Wage Board recommendation, the gross revenue of three accounting years i.e. 2007-2008, 2008–2009 and 2009–2010 are relevant and it is not a case of takeover of Nai Duniya Media Ltd, but it is a case of demerger of Print business of newspaper. It is contended that the issue of reclassification was not referred to the learned Labour Commissioner for adjudication.

I. Learned Senior Counsel also submitted that the Labour Court cannot travel beyond the terms of the reference.

J. In support thereof, reliance is placed on the judgments passed by



the Hon'ble Supreme Court in the matter of ***Hochtief Gammon v. Industrial Tribunal, Bhubaneshwar*** reported in **1964 SCR (7) 596: AIR 1964 SC 1746** and the judgment passed in ***Oshiar Prasad and others v. The Employers in relation to Management of Sudamdhil Coal Washery of M/s. BCCL, Dhanbad, Jharkhand*** reported in **2015 (4) SCC 71**, to demonstrate that neither the Labour Court will be able to go into the issue of re-classification nor respondents have any right to ask any award on this issue.

K. Learned Senior counsel also placed reliance on the judgment passed by the High Court of Bombay bench at Aurangabad in ***M/s. Ambica Printers and Publications v. Mira Nitin Shinde, [Writ Petition No. 12366/2019, dated 14.11.2019]***, which is almost identical in so far as the application made by workmen regarding the production of documents is concerned.

L. It is also argued that fishing or roving enquiry with regard to some document sought is not permissible. In this regard, reliance is placed on the judgment passed by the High Court of Delhi in the matter of ***Raj Sarogi v. American Express (I) Private Ltd*** reported in **2001 (50) DRJ 138 (DB)**, wherein it is held that “*as and when the application under Rule 12 of Order 11 CPC is filed seeking discovery of documents, the Court is required to exercise discretion, as envisaged in the said Rule, which does not alter the principle relating to the production of documents but gives the*



Court a discretion to refuse to direct discovery of documents when there is no reasonable prospects of its being of any use or to limit the nature and extent of the discovery. The discretion undoubtedly vested in the Court must be exercised judicially to further the primary object of the Rules for production and discovery of documents".

M. In the matter of *Smt. Sri Devi v. Smt. Krishna Devi and others*

reported in **1990 ILR 385** passed by the High Court of Madhya Pradesh, where it is held that to invoke provisions of Order 11 Rule 12 of the CPC, the relevancy of the document is to be seen.

N. Learned Senior Advocate would finally submit that the order passed by the Labour Court, Raipur dated 12.09.2023, whereby the applications moved by the respondents under Order 11 Rule 12 of the CPC, have been allowed, is liable to be set aside.

4) On the other hand, learned counsel appearing for the respondents/workmen would oppose the contention advanced by the learned Senior Counsel for the petitioner and submit as under:-

A. The provisions of the Act of 1955 and the Wage Board recommendations are relevant for the just adjudication of the matters pending before the learned Labour Court. The classification of the newspaper establishment is to be seen, wherein the turnover of the company is disclosed. He further submitted that the respondents have stated in their statement of claim that the petitioner company is a newspaper establishment



of Class-I category, having a gross turnover of more than a thousand crores, therefore, the turnover document is necessary for the proper adjudication of the matter.

B. Classification of the company under Chapter XIX is to be reckoned from the date of the enforcement of the Wage Board's recommendation i.e. 11.11.2011. It is also contended that the demerger of the Nai Duniya Media Limited was done in the year 2012–13, therefore, the reclassification of the gross revenue of the company for the years 2011–12 and 2012–13 is necessary for the proper adjudication of the matters.

C. It is also argued that averments made in para 9.2 & 9.9 of the petitions are contrary. In para 8.3, the petitioner has stated that the petitioner has no access to the records of Nai Duniya Media Limited, which is a separate legal entity, but on the other hand in para 9.2 and 9.13, the petitioner stated that it has already produced the documents with respect to the accounting years 2007–2008, 2008–2009, 2009-2010. Again, in para 9.9, 9.10, 9.11 and 9.12, the petitioner stated that it is beyond its control to submit the annual details of the turnover of Nai Duniya Media Limited. It is also argued that the petitioner has specifically not denied the existence of the aforesaid documents in replies.

D. It is also argued by Mr. Dubey that the petitioner has stated that the first document is already produced before the High Court of Madhya Pradesh and the High Court of Allahabad and for the



rest of the documents, it is stated that those documents are not relevant.

E. Mr. Dubey would further contend that the learned Labour Court has passed the order after taking into consideration the submissions made by the rival parties which does not require any interference.

F. In support thereof, he placed reliance on the judgment passed by the High Court of Allahabad Bench at Lucknow in the matter of ***Jagran Prakashan Ltd v. Sri Aman Kumar Singh and four others*** neutral citation No. **2023/AHC/174581**; the judgment passed by the Madhya Pradesh High Court Bench at Jabalpur in the matter of ***Dainik Bhaskar v State of Madhya Pradesh and others, Misc Petition No.5093 of 2022*** dated 22.04.2024; the matter of ***Rajasthan Patrika v State of Madhya Pradesh and others*** passed in ***RP 1077 of 2019 and other connected matters***; the matter of ***Nai Dunia v. State of MP and others*** passed in ***WP No. 16209 of 2020*** and other connected matters; and the order passed by the Hon'ble Supreme Court in the matter of ***Avishek Raja and others v. Sanjay Gupta and others*** in ***MA No. 171 of 2019***.

G. He further argued that it was contended by the learned Senior Counsel for the petitioner that the order passed in the matter of ***Jagran Prakashan Ltd. v. Aman Kumar Singh (Neutral Citation No. 2023:AHC:174581)*** has been stayed by the



Hon'ble Supreme Court, but the order passed in the ***Pankaj Kumar v. Jagran Prakashan Ltd.*** arising out of final judgment and order dated 01.08.2022 in ***LPA No.1631/2019*** passed by the High Court of Judicature at Patna has been, so produced, is not reliable.

5) I have heard learned counsel appearing for the parties, considered their rival submissions made herein-above and perused the documents placed on the files with utmost circumspection.

6) The issue involved in the present cases is whether the learned Labour Court is justified in allowing the applications moved by the respondents in respective matters under Order 11 Rule 12 of the CPC for the production of three documents which are as under:-

1. Agreement of the Jagaran Prakashan Ltd. with Nai Duniya Media Limited during the merger of the companies;
2. Turnover of the financial years 2010-2011 and 2011-2012 of the de-merged company "Nai Duniya Media Limited", and
3. Turnover of the financial years 2011-2012 and 2012-2023 of the resulting Company Jagaran Prakashan Ltd.

7) Order 11 Rule 12 of the CPC is reproduced herein-below for ready reference:-

Order 11 CPC - DISCOVERY AND INSPECTION

"12. Application for discovery of documents.—
Any party may, without filing any affidavit, apply to the Court for an order directing any other party to any suit to make discovery on oaths, of the documents which are or have been in his possession or power, relating to any matter in question therein. On the hearing of such application the Court may



either refuse or adjourn the same, if satisfied that such discovery is not necessary, or not necessary at that stage of the suit, or make such order, either generally or limited to certain classes of documents, as may, in its discretion be thought fit: Provided that discovery shall not be ordered when and so far as the Court shall be of opinion that it is not necessary either for disposing fairly of the suit or for saving costs.”

- 8) A bare reading of the aforesaid provision makes it amply clear that any party may apply to the Court for an order directing the other party to any suit to make discovery on oaths, of the documents which are or have been in his possession or power, relating to any matter in question therein.
- 9) The court has the discretion to determine whether the requested discovery of documents is necessary and proper for the adjudication of the matter. The non-compliance with an order made under Order 11 Rule 12 CPC may have consequences. The relevancy of documents is the primary consideration before arriving at the conclusion of such application.
- 10) In the present case, the respondents were working on various posts under the petitioner i.e. Nai Duniya Media Ltd. prior to the date of the demerger. During that period, the Nai Duniya Ltd. was a unit of JPL with the caption 'Nai Duniya', and the recommendation of the Majithia Wage Board came into force after the issuance of the notification dated 11.11.2011 by the Central Government. The order of demerger of Nai Duniya Media Limited and the JPL under Sections 391-394 read with Sections 78, 100 to 104 of the Companies Act, 1956 was passed in Company Petition No. 30 of 2012 by the High Court of Judicature at Allahabad and in Company Petition No. 24/2012 by the High Court of Madhya Pradesh on 08.01.2013 & 16.01.2013, respectively.



11) According to the recommendations of the Wage Board, the newspaper institutions have been divided into 8 groups. The employer Nai Dunia Media Ltd.'s annual return for the year 2011–12 was between Rs. 50-100 crores, therefore, it would fall under Class IV.

12) The turnover of JPL for the year 2012–2013 was Rs. 1411.80 crores and it would fall within the Class-I category as per the Wage Board's recommendation.

13) In ***M/s Ambica Printers and Publications (supra)***, the High Court of Bombay Bench at Aurangabad, where balance-sheet for the accounting years 2007-08, 2008-09, & 2010-2011, was sought by the workmen, was denied on the ground that such direction to produce a document cannot be issued on a mere asking. It was further observed that the exclusivity and nexus of the document have to be assessed. It was also observed that the employer has already submitted account details for the years 2007 to 2010 and the direction of the Labour Court to produce documents sought up to 2018 based purely on the ground that the documents are available in the custody of the management; and thus, the order passed by the Labour Court was set aside in view of the documents already produced by the employer.

14) In ***Hochtief Gammon (supra)***, and ***Oshiar Prasad (supra)***, it was observed and held that the Labour Court cannot travel beyond the issue referred. The judgments passed in the matter of ***20th Century Fox Corporation (India) Pvt. Ltd. v. F.H. Lala [1974 (II) LLJ 156 BOM]***; ***Smt. Shri Devi (supra)***; and ***Raj Sarogi (supra)*** deal with the scope of Order



11 Rule 12 of the CPC. It is no longer res-integra that the order for the production of the documents can be passed if the documents sought are relevant for the adjudication of the matter.

15) Now coming to the judgments relied on by the counsel for the respondents.

16) In the matter of ***Aman Kumar Singh (supra)***, the High Court of Allahabad Bench at Lucknow while rejecting the review application preferred by Jagran Prakashan Limited, in para-11 held as under:-

“11. Before rejecting the review application on the reasonings as recorded above, it is essential to deprecate the conduct of the petitioners who have continued to avoid the enforcement of the Wage Board recommendations from the date of notification on 11.11.2011 and have resorted to taking defenses by taking shield of the agreements which give the benefits which are less than what were recommended by the Wage Board and have continued to deny the benefits on one ground or the other, thus, frustrating the entire scheme of the Act and the benefits which flow in favour of non-journalist newspaper employees for years together.”

17) In the matter of ***Dainik Bhaskar (supra)***, the Hon'ble Supreme Court while referring to the earlier judgment rendered in *Indian Express Newspaper v. Union of India and others, 1995 suppl (4) SCC 758*, held in para 39 as under:-

“39. Newspaper Establishment” has been defined under Section 2(d) of Act, 1955, which reads as under :

(d) "Newspaper establishment" means an establishment under the control of any person or body of persons, whether incorporated or not, for the production or publication of one or more newspaper or for conducting any news agency or syndicate: and includes newspaper establishments specified as one establishment under the Schedule. Explanation. -For the purposes of this clause,-

(a) Different departments, branches and centers of newspaper establishments shall be treated as parts thereof;



(b) A printing press shall be deemed to be a newspaper establishment if the principal business thereof is to print newspaper.

The Apex Court in the case of **Indian Express Newspapers (P) Ltd. (supra)** held thus:-

16. *As regards the other grounds of attack, we are afraid we see no reason to interfere with the award on the said grounds. In view of the amended definition of the "newspaper establishment" under Section 2(d) which came into operation retrospectively from the inception of the Act and the Explanation added to Section 10(4), and in view further of the fact that in clubbing the units of the establishment together, the Board cannot be said to have acted contrary to the law laid down by this Court in Express Newspapers case, the classification of the newspaper establishments on all-India basis for the purpose of fixation of wages is not bad in law. Hence it is not violative of the petitioners' rights under Articles 19(1)(a) and 19(1)(g) of the Constitution. Financial capacity of an all- India newspaper establishment has to be considered on the basis of the gross revenue and the financial capacity of all the units taken together. Hence, it cannot be said that the petitioner- companies as all- India newspaper establishments are not viable whatever the financial incapacity of their individual units. After amendment of Section 2(d) retrospectively read with the addition of the Explanation to Section 10(4), the old provisions can no longer be pressed into service to contend against the grouping of the units of the all-India establishments, into one class."*

18) In the matter of **Avishek Raja (supra)**, the Hon'ble Supreme Court while disposing of the Miscellaneous Appeal directed the Labour Courts/Industrial Tribunals in seisin of the matters under Section 17(2) of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, to dispose of the same without granting any unnecessary adjournments keeping in mind that the time frame fixed by the Court is six months from the date of reference. The High Courts were requested that while entertaining matters against the orders passed by the Labour Courts and Industrial Tribunals; they will keep



in mind the above time schedule so as to ensure that the order of the Court is fully complied with.

19) In the matter at hand, the respondents are the employees of the petitioner/newspaper establishment. They are governed by the Act of 1955. The petitioner company filed a Company Petition before the High Court of Madhya Pradesh Bench at Indore and the High Court of Allahabad for the demerger of the Petitioner Company and Jagran Prakashan Ltd. The petitioner company took liability and assets into account for the financial year ending on 31.03.2012, and the same was also approved by the High Court of Allahabad.

20) To resolve the dispute with regard to the revision of rates of the wages for working journalists and other newspaper employees, the Central Government constituted a Wage Board, and accepted the recommendation made by the Majithia Wage Board constituted under the Act of 1955 on 25.10.2011 and notified the same in the Gazette of India on 11.11.2011. The respondents moved applications before the learned Labour Court for recovery of wages and un-deducted and unsettled amounts as per the recommendation of the Majithia Wage Board.

21) The applications were moved by the respondents under Order 11 Rule 12 of the CPC for the production of the documents pertaining to (i) agreement entered by Jagaran Prakashan Ltd. with Nai Duniya Media Limited during the merger of the companies; (ii) turnover for the financial years 2010-2011 and 2011-2012 of the de-merged company "Nai Duniya Media Limited"; and (iii) turnover for the financial years 2011-2012 and 2012-



2013 of the resulting Company 'Jagaran Prakashan Ltd.' and the learned Labour Court allowed the applications preferred by the respondents and directed the petitioner to submit the same.

22) The petitioner filed a reply to the application moved by the respective respondents and did not deny the existence of the aforesaid documents. It is stated that document No.1 was filed in the Company Petition before the High Court of Madhya Pradesh Bench at Indore and the High Court of Allahabad. With regard to documents No. 2 and 3, the petitioner stated that those documents are not relevant.

23) Clause 3 of the Majithia Board recommendations contained in Section II and duly notified under Section 12 are as under:-

"3. Classification of newspaper Establishments- For the purpose of fixation or revision of rates of wages in respect of working journalists and non-journalists newspaper employees (other than the news agencies), the newspaper establishments shall be classified hereinafter provided :

(a)(i) The classification of newspaper establishments shall be based on the average gross revenue of three accounting years 2007-08, 2008-09 and 2009-10. The different departments, branches and centres of newspaper establishments shall be treated as parts thereof.

(ii) Notwithstanding the clubbing of different departments, branches and centres of newspaper establishments on the basis of their own gross revenue, the units of the newspaper establishments of all the classes as categorized in paragraph 6 of this Chapter shall not be stepped up by more than two classes over and above the classes to which they belong according to their gross revenue, as a result of their clubbing.

Explanation - For the purpose of this clause,

(a) If there are different units/branches/companies of one classified newspaper establishment in one town or city and adjoining areas, even though carrying different names, these will be treated as one single unit of that newspaper establishment.

(b). In the case of a newspaper establishment completing two out of the aforementioned three (3) accounting years, its



classification shall be determined on the basis of its average gross revenue for those two years.

(c) In the case of a newspaper establishment which has completed only one year of the said accounting years, its classification shall be determined on the basis of its gross revenue for that year.

(d) A new newspaper establishment, for which the provisions of clauses (a), (b) and (c) above do not apply, is liable to be classified after the completion of its first accounting year on the basis of its gross revenue for that year.

Provided that-

Notwithstanding anything contained in clauses (b), (c) and (d) above, a newspaper establishment which is classified on the basis of two (2) accounting years shall be placed one class lower than the class in which it is liable to be placed and a newspaper establishment, which is classified on the basis of one accounting year, shall be placed two classes lower than the class in which it is liable to be placed. In either case, it shall not be lower than Class VIII. ”

24) From a perusal of the aforesated provisions, it is apparent that the classification of newspaper establishments shall be based on the average gross revenue of three accounting years i.e. 2007-08, 2008-09 and 2009-10.

25) It is further explained in Clause(b) that in the case of a newspaper establishment completing two out of the aforementioned three (3) accounting years, its classification shall be determined on the basis of its average gross revenue for those two years.

26) Thus, from the perusal of the above provisions, it is quite vivid that the document with regard to the average gross revenue of three accounting years is relevant for the determination of the fixation or revision of rates of wages of the working journalists or non-working journalists at newspaper establishments.



27) Clause 7(2) of the Majithia Wage Board recommendation deals with the Continuance of classification and reclassification, which reads as under:-

"7(2) It shall be open either to the employer or to the employee to seek a reclassification of a - newspaper establishment at any time after one year from the date of the enforcement of the Award on the basis of the average gross revenue of the three immediately preceding accounting years;

Provided that such reclassification should not be sought more than once in any period of three consecutive accounting years.

Provided that any such reclassification made as per paragraph 7 (2) is required to be adjusted towards the price escalation worked out on the basis of wholesale price index with effect from the financial year just before the implementation of the Majithia Wage Boards Awards."

28) The above provision would make it abundantly clear that it is open to the employer or the employee to seek a reclassification of a newspaper establishment at any time after one year from the date of the enforcement of the award based on the average gross revenue of three immediately preceding accounting years. The proviso appended to Clause 7(2) of the Majithia Wage Board recommendation says that reclassification is required to be adjusted towards the price escalation worked out on the basis of the wholesale price index with effect from the financial year just before the implementation of the Majithia Wage Board's Award.

29) In the matter of **ABP (P) Limited v. Union of India, (2014) 3 SCC 327**, the Hon'ble Supreme Court while dismissing the writ petitions held that the wages as revised/determined shall be payable from 11.11.2011 when the Government of India notified the recommendations of the Majithia Wage Board. All the arrears up to March, 2014 shall be paid to all eligible persons in four equal installments within a period of one year and shall



continue to pay the revised wages from April, 2014 onwards.

30) From a bare reading of the observations made it is quite vivid that the petitioner and other similarly situated companies have to make payment of arrears of revised rates of wages to the working journalists and other non-journalist employees.

31) For the determination of the amount of the revised rate of wages, the documents as sought by the respondents are relevant.

32) In the matter of ***Nai Dunia (supra)***, in para 7, 9 & 15 it was observed and held as under: –

"7. Implementation/non-implementation of the benefits flowing therefrom and the controversy related and incidental thereto had given rise to mushroom growth of litigation at different forums. Eventually, the Hon'ble Supreme Court has decided a bunch of writ petitions lead case being W.P. (Civil) No.246 of 2011 (ABP Pvt. Ltd., & Another Vs. Union of India and others) alongwith Contempt petition (Civil) No.252 of 2012 on 07/02/2014. The operative portion reads as under:

"73. In view of our conclusion and dismissal of all the writ petitions, the wages as revised/determined shall be payable from 11.11.2011 when the Government of India notified the recommendations of the Majithia Wage Boards. All the arrears up to March, 2014 shall be paid to all eligible persons in four equal installments within a period of one year from today and continue to pay the revised wages from April, 2014 onwards."

9. *Thereafter, in the aforesaid case by another dated 13/10/2017, the Hon'ble Supreme Court has observed as under:*

"Upon hearing the learned counsel for the applicant we clarify our Judgment dated 19.06.2017 to mean that dispute (s) referred for adjudication under Section 17(2) of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 will be disposed of by the concerned Labour Court/Industrial Tribunal as Expeditiously as possible, preferably, within six months of the reference being made. With the aforesaid clarification the miscellaneous



application is disposed of."

15. The apprehension of the learned counsel for the petitioner that it shall be precluded to raise the jurisdictional issue related to the question/entitlement of the amount due, regard being had to the terms of the reference, in the opinion of this Court, is misconceived. The labour Court shall have jurisdiction to decide the points arising out of reference as well as the matters incidental thereto as provided for under section 10(4) of the Act of 1947. It needs no mention that the aforesaid sub-section (4) of section 10 of the Act of 1947 empowers the labour Court to deal with the jurisdictional facts arising out of terms of the reference."

33) Thus, the Labour Court has the jurisdiction to decide the points arising out of the reference as well as the matter incidental thereto as provided under Section 10(4) of the Act of 1947. Section 10(4) of the Act of 1947 empowers the Labour Court to deal with the jurisdictional issues arising out of the terms of the reference.

34) In the matter of ***Avishek Raja (supra)***, the Hon'ble Apex Court directed the Labour Courts/Industrial Tribunals in seisin of the matters under Section 17(2) of the Act of 1955 to dispose of the same without granting any unnecessary adjournments keeping in mind the time frame of six months fixed by the Court from the date of reference.

35) In the matter of ***ABP Private Limited (supra)***, the Hon'ble Supreme Court in clear terms held that the wages as revised/determined shall be payable from 11.11.2011.

36) Reliance placed by learned Senior Counsel for the petitioner on ***M/s. Ambika Printers and Publications (supra)***, decided by the High Court of Bombay Bench at Aurangabad wherein the application moved under order 11 Rule 12 of the CPC was rejected, the petition filed by the petitioner was



allowed and the order passed by the Labour Court was set aside on the ground that the petitioner of that case had already deposited the certificate dated 07.08.2014 issued by the Chartered Accountant indicating the gross revenue as well as the gross revenue of the entire establishment for three financial years, whereas, in the present case, no such documents have been placed on the record to show the gross revenue for three accounting years.

37) In the matter of ***Jagaran Prakashan Ltd. (supra)***, a similar issue was involved wherein the original petition was dismissed and thereafter the review petition was also dismissed.

38) For revision and fixation of wages of the working journalists or other employees of the news establishment, the documents sought by the respondents are relevant and the learned Labour Court has not committed any error of law in allowing such application(s).

39) Taking into consideration the facts and law discussed above, these petitions are liable to be and are hereby **dismissed**. No order as to cost.

Sd/-
(Rakesh Mohan Pandey)
Judge