

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(L) No. 1141 of 2025

.....
Management of M/s Neutral Publishing House Limited (Prabhat Khabhar) through its General Managr (HR) Shri Vikash Kumar, aged about 42 years, son of Shri R.S.P. Singh, r/o 15-P, Kokar Industrial Area, P.O. Kokar, P.S. Sadar, District-Ranchi. **Petitioner (s)**

Versus

1. The State of Jharkhand through the Secretary, Dept of Labour, Employment, Training and Skill Development, Govt of Jharkhand.

2.The Labour Commissioner, Dept of Labour, Employment, Training and Skill Development, Govt of Jharkhand.

3.The Under Secretary, Labour Commissioner Office, Dept of Labour, Employment, Training and Skill Development, Govt of Jharkhand.

Respondent no.1 to 3 are having their office at Nepal House, Doranda, P.O.& P.S-Doranda, District - Ranchi.

4. The Assistant Labour Commissioner, Govt. of Jharkhand having its office at Sanyukt Sharm Bhawan, Bartand, P.O. & P.S. Dhanbad, District-Dhanbad.

5. Shri Ajay Kumar Singh, Son of Shri Bhola Nath Singh, r/o House no. 84/A, Camp-02, P.O. & P.S. Bokaro Steel City, Town, Bokaro Steel City, District-Bokaro. **Respondent(s)**

With

W.P.(L) No. 1147 of 2025

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Management of M/s Neutral Publishing House Limited (Prabhat Khabhar) through its General Managr (HR) Shri Vikash Kumar, aged about 42 years, son of Shri R.S.P. Singh, r/o 15-P, Kokar Industrial Area, P.O. Kokar, P.S. Sadar, District-Ranchi. **Petitioner (s)**

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4. The Labour Superintendent, Govt of Jharkhand having its office at Sitramdera, P.O. & P.S-Sitaramdera, Jamshedpur District-East Singhbhum.

5. Shri Krishnakant Singh, s/o Shri Narad Singh, r/o Quarter no. 1146, Street no. 28, Sector-8/C, Bokaro, P.O. & P.S. Bokaro Steel City, District-Bokaro.

.....
..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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For the Petitioner(s) : Mr. Deepak Kumar Bharti, Adv

For the Resp. No.5 : Mr. Kumar Harsh, Adv

For the Resp.-State : Mr. Harsh Preet Singh, A.C. to G.P.-V'
(in W.P.(L) No. 1147 of 2025)

Mr. Ashwini Bhushan, A.C. to Sr. S.C.-II
(in W.P.(L) No. 1141 of 2025)
.....

C.A.V. ON 01/12/2025

PRONOUNCED ON:19/01/2026

Heard learned counsel for the parties.

2. Both these cases involve common questions of law and are being disposed of by a common order.

Brief Facts:

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3. The Petitioner in this case assails the Reference Notification No. 2231 dated 26.12.2024. This notification referred the dispute to the Labour Court, Jamshedpur, to decide if the denial of the Rs. 1.78 Crore claim of the Respondent, Ajay Kumar Singh was justified.

The case revolves around a claim of unpaid wages amounting to Rs. 1,78,56,868/- made by the employee, Ajay Kumar Singh, under the recommendations of the Majithia Wage Board. The Petitioner challenges the jurisdiction of the Labour authorities in Jamshedpur to

entertain the claim and the subsequent notification referring the matter to the Labour Court.

Ajay Kumar Singh, working as a Senior Correspondent, filed an application on 23.12.2023 before the Deputy Labour Commissioner (DLC), Bokaro. He claimed arrears under the Majithia Wage Board and raised issues regarding his transfer from Chaibasa to Jamshedpur. Since the employee was last posted in Jamshedpur (West Singhbhum), the DLC Bokaro transferred the matter to the Additional Labour Commissioner, Jamshedpur, vide letter dated 10.02.2024, citing lack of territorial jurisdiction.

The Labour Superintendent, Jamshedpur, issued a notice on 20.03.2024 asking the Petitioner management to appear. On 27.04.2024, the Petitioner appeared and filed a preliminary objection. They argued that under a Government Notification dated 21.04.2016, the power to deal with wage claims under Section 17(1) of the Working Journalists Act, 1955 was delegated solely to the Labour Commissioner, Jharkhand. Therefore, the Labour Superintendent or DLC Jamshedpur had no jurisdiction to hear the matter.

The Labour Superintendent, Jamshedpur, sent a report (Letter No. 2489) dated 05.08.2024 to the State

Government. He noted that the management disputed the claim and the amount. Consequently, he recommended that the dispute be referred to the Labour Court for adjudication under Section 17(2) of the Act, as settlement was not possible.

Acting on the recommendation, the State Government issued Reference Notification No. 2231 dated 26.12.2024. This notification referred the dispute to the Labour Court, Jamshedpur to decide if the denial of the Rs. 1.78 Crore claim was justified. The terms of reference reads as follows:

“Whether, denial of payment of Rupees 1,78,56,868 (One Crore Seventy Eight Lakh Fifty Six Thousand Eight Hundred Sixty Eight) claimed by an employee of Prabhat Khabar (Jamshedpur) Unit Shree Ajay Kumar Singh, under recommendation made by Majethia Wage Board, by his Management, M/s Neutral Publishing House Limited, 15-p Kokar Industrial Area (Prabhat Khabar) is justified? If not, What relief he is intitled to”?

4. Learned counsel for the respondent- State argues that the Labour Superintendent acted within his powers as an "Inspector" appointed under Section 17-B of the Act (vide notification dated 27.05.2015). They assert that since the amount was disputed, Section 17(1) (recovery of admitted dues) did not apply, and the State correctly referred the matter to the Labour Court under Section 17(2) for adjudication. No separate counter affidavit has been filed by

the contesting employee and his council adopts the above stand in support of the notification.

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5. In this case the Petitioner seeks the quashing of notification No. 2068 dated 29/11/2024, alleging that the reference of dispute was in contravention of the provisions contained in Section 17(1) and 17(2) of the Working Journalists and Other Newspaper Employees (Conditions of Service) & Miscellaneous Provisions Act, 1955 (“Working Journalists Act, 1955”).

The Respondent No. 5, Krishnakant Singh, filed his claim dated 18/10/2023 before the Assistant Labour Commissioner, Dhanbad, and also addressed it to the Business Head of Prabhat Khabar, asserting that he was not paid his salary as per the recommendations of the Majithia Wage Board.

6. The Petitioner-Management was served notice by the Assistant Labour Commissioner, Dhanbad, to submit documents and participate in the enquiry on 17/11/2023. On this date, the Petitioner, Management submitted its reply, raising preliminary objection that the Assistant Labour Commissioner, Dhanbad, lacked jurisdiction to entertain the complaint of the Respondent-employee, as the State Government, by notification dated 24/01/2016, had

conferred powers under Section 17(1) of the Working Journalists Act, 1955 only to the Labour Commissioner of Jharkhand. Therefore, the Assistant Labour Commissioner was not the competent authority under Section 17(1) of the Working Journalists Act, 1955 and had no jurisdiction to conciliate any claim for wages arising out of or in connection with the Majithia Wage Board.

The contesting employee, Krishnakant Singh, has filed his Counter Affidavit and submits that there is no illegality in referring the claim for adjudication to the Labour Court, as Section 17(1) of the Act of 1955 applies only when the money payable to the employee is admitted. Only in undisputed or admitted claims; the Labour Commissioner, who is the notified authority under Section 17(1) of the Working Journalists Act, 1955, would issue a certificate for recovering such unpaid wages as arrears of land revenue under the provisions of the Bihar/Jharkhand Public Demands Recovery Act.

7. Learned counsel for the Respondents No. 1 to 4 have also supported the case of the Respondent employee and referred to Section 17-B of the Working Journalists Act, which empowers the State Government to appoint inspectors for the purpose of enforcing legal obligations under the Act. The State Respondents have also filed a copy

of notification dated 27/05/2015, by which a list of officers was appointed as “inspectors” for the purposes of the Working Journalists Act, 1955, and the Assistant Labour Commissioner, Dhanbad, is among the officers mentioned in this notification. Furthermore, the provisions of Section 17(1) of the Working Journalists Act are immaterial at this stage, as the reference was made by exercising powers under Section 17(2) of the said Act of 1955.

8. The notification No. 2068 dated 29.1.2024 which is under challenge has referred the following dispute to the Presiding Officer, Labour Court, Dhanbad :-

“Whether denial of payment of Rs. 59,79,534/- (Fifty-Nine Lakhs Seventy-Nine Thousand Five Hundred and Thirty Four) claimed by Shree Krishnakant Singh, Q.No. 1146, Street-28, Section-8/C Bokaro under recommendation made by Majithia Wage Board. By his Management, M/s Neutral Publishing House Limited, Prabhat Khabar, Dhanbad is justified? If not, what relief he is entitled to”?

Findings:

9. There are common questions of law and similar facts in both the above cases which are dealt with together in the following paragraphs.

10. Both notification under challenge record that the Governor of Jharkhand is of the opinion that dispute exists between the M/s Neutral Publishing House Limited, Prabhat Khabar, Dhanbad and its workmen and the

decision is of the Governor of Jharkhand under Section 17 (2) of the Working Journalists Act, 1955 is to refer the dispute. The Management has rooted its objection regarding jurisdiction based on the notification issued under Section 17(1) by which only the Labour Commissioner has been empowered to take action.

It would be useful to extract the statutory provisions before analyzing the interplay and scope of Sections 17(1) & 17(2) of the Working Journalists Act, 1955, in the context of the present dispute.

“Section 17. Recovery of money due from an employer

(1) Where any amount is due under this Act to a newspaper employee from an employer, the newspaper employee himself, or any person authorised by him in writing in this behalf or in case of the death of the employee, any member of his family may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the amount due to him and if the State Government or such authority as the State Government may specify in this behalf, is satisfied that any amount is so due, it shall issue a certificate for that amount to the Collector, and the Collector shall proceed to recover that amount in the same manner as an arrear of land revenue.

(2) If any question arises as to the amount due under this Act to a newspaper employee from his employer, the State Government may, on its own motion or upon allocation made to it, refer the question to any Labour Court constituted by it under the Industrial Disputes Act, 1947 (14 of 1947), or under any corresponding law relating to investigation and settlement of industrial disputes in force in the State and the said Act or law shall have effect in relation to the Labour Court as if question so referred were a matter referred to the Labour Court for the adjudication under that Act or law.

(3) The decision of the Labour Court shall be forwarded by it to the State Government which made the reference and any amount found due by the Labour Court may be recovered in the manner provided in sub-section(1).”

11. The notifications of reference assailed in these cases

are under Section 17(2), which confers powers on the State Government to refer any question or dispute relating to claim of wages. The notifications which are under challenge were issued by the order of the Governor of Jharkhand and therefore, it is clearly established that the reference was made by the State Government. The Petitioner cannot assail a notification issued by the State Government which has the approval of the Governor of the State. The State Government exercises executive powers through the Governor as per Article 154 of the Constitution which is quoted below:

“154. Executive power of State:

(1)The executive power of the State shall be vested in the Governor and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.

(2)Nothing in this article shall—

(a)be deemed to transfer to the Governor any functions conferred by any existing law on any other authority; or

(b)prevent Parliament or the Legislature of the State from conferring by law functions on any authority subordinate to the Governor.”

12. The notifications under challenge record that the Governor has consented to refer the dispute regarding computation of salary/wage and there is absolutely no illegality in such reference notifications. The Petitioner’s

counsel strenuously argues that this reference could be at the behest of the Labour Commissioner of Jharkhand, who is the only notified authority under Section 17 (1) of the Working Journalists Act, 1955. No other authority can exercise powers under Section 17 of the Working Journalists Act, 1955.

It was argued that the Respondents No. 1 to 4 and particularly, the Assistant Labour Commissioner has no power to enforce attendance of a witness or to examine them on oath. Reliance has also been placed on a decision of Hon'ble Supreme Court of India in the case of ***Kasturi & Sons (Private. Ltd) vs. Shri N. Salivateeswaran***¹ in which in paragraph No. 8 records that the power to enforce attendance of witness or to issue commission or an order of discovery and inspection cannot be exercised by an authority under Section 17 of the Working Journalists Act, 1955. Paragraph no. 08 culls out the ratio of this decision as follows:

“8. It is significant that the State Government or the specific authority mentioned in Section 17 has not been clothed with the normal powers of a court or a tribunal to hold a formal enquiry. It is true that Section 3, sub-section (1) of the Act provides for the application of the Industrial Disputes Act, 1947, to or in relation to working journalists subject to sub-section (2); but this provision is in substance intended to make working journalists workmen within the meaning of the main Industrial Disputes Act. This section

¹ AIR 1958 SC 507

cannot be read as conferring on the State Government or the specified authority mentioned under Section 17 power to enforce attendance of witnesses, examine them on oath, issue commission or pass orders in respect of discovery and inspection such as can be passed by the boards, courts or tribunals under the Industrial Disputes Act, It is obvious that the relevant provisions of Section 11 of the Industrial Disputes Act, 1947, which confer the said powers on the conciliation officers, boards, courts and tribunals cannot be made applicable to the State Government or the specified authority mentioned under Section 17 merely by virtue of Section 3(1) of the Act.”

13. The above decision is completely out of context as there is no material to show that evidence was recorded or the Management was compelled to file documents. The Employer in this case repudiated the claims and raised objection to the jurisdiction of the authority issuing notice to it. The purpose of issuing notice on receiving a claim from one or more employees was to ascertain whether there are points of difference or any disputes regarding computation of wages as per Majethia Wage Board recommendations. Moreover, such exercise was conducted by the Assistant Labour Commissioner/Deputy Labour Commissioner as “inspector” appointed under Section 17 – B of the Working Journalists Act, 1955. The judgment of Hon’ble Supreme Court therefore, does not apply to the facts of this case. The moment there was a dispute regarding entitlement, the authority without adjudicating the claim referred it to the Secretary, Department of

Labour, Employment, Training & Skill Development, Government of Jharkhand for following the mandate of Section 17(2) of the Act of 1955. There is no procedural error here which justifies interference.

14. The Petitioner's next contention is that an individual dispute cannot be entertained under the provisions of Industrial Disputes Act, 1947 and it cannot be construed as an "industrial dispute" under Section 2(k) of the Industrial Disputes Act, 1947 read with Section 2A of the Industrial Disputes Act, 1947.

This secondary objection regarding individual dispute is also unsustainable as Section 17(2) of the Working Journalists Act, provided a special mechanism which requires adjudication by the Labour Court for any individual claim for wages. Section 17(2) opens with the words *"If any question arises as to the amount due under this Act to a newspaper employee...."* which leaves no doubt in the mind that this procedure of referring any question or dispute can also be in relation to an individual newspaper employee. Ordinarily, a claim for wages or higher wages or difference of wages would be an 'industrial dispute' only if espoused by a Trade Union. Individual workman can raise industrial dispute only in cases of termination of service as the policy of the Act of 1947 was collective bargaining and

industrial peace and harmony. An individual workman cannot raise a dispute relating to wages under the Industrial Disputes Act, 1947. However, the impediment of raising such disputes at the instance of an individual newspaper employee is removed by Section 17(2) of the Working Journalists Act, 1955 which authorizes the Labour Court to decide any dispute regarding wages payable to a newspaper employee.

15. In view of the above discussion there is no illegality in referring the dispute relating to claim of wages to the Labour Courts by both notifications and the action of the Respondent – State Government calls for no interference. The notifications under challenge in both these cases cannot be quashed. The Petitioner and contesting employees are at liberty to raise all factual and legal grounds available to them as no opinion has been expressed on the merits of the dispute.

(Deepak Roshan, J.)

Dated:19 / 01/2026
Amardeep/
A.F.R

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21/01/2026