

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(L). No. 4889 of 2006

Employers in relation to the management of Dugda Coal Washery of M/s. Bharat Coking Coal Limited, P.O., P.S. Dugda, District Bokaro, Pin-828004, through Sri Paras Nath Singh, son of Sri Chandrama Prasad Singh, Dy. Legal Manager, M/s. B.C.C.L., resident of Anand Nagar, P.O. I.S.M., P.S. Saraidhela, District Dhanbad.

..... **Petitioner**

Versus

Their workmen being represented by the General Secretary, Coal Washery Workers Union, P.O. Dugda, P.S. Dugda, District Bokaro, Pin-828404.

..... **Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Anoop Kumar Mehta, Advocate
Mr. Manish Kumar, Advocate
For the Respondent : Mr. A.K. Sahani, Advocate

28/17.09.2025 The instant application has been preferred by the petitioner praying therein for quashing the Award dated 06.04.2006, of Central Government Industrial Tribunal No. 1, Dhanbad in Reference Case No. 95 of 1995 (Annexure-4), whereby the learned Tribunal has answered the Reference in favour of the respondent-Union, directing the Management to reinstate and regularize the concerned workmen as permanent Plant Cleaning Mazdoors.

2. The case of the sponsoring Union in crux is that the workmen named in the terms of reference were engaged by the Management of Dugda Coal Washery, which is one of the Units of M/s. B.C.C.L. from the year 1984 along with large number of other similar workmen for performing duties within the washery plant and designated as Plant Cleaning Job Workers.
3. The further case of the workmen is that the Management have regularized in permanent employment 64 similarly placed workmen and these workmen referred to in the Award, were discriminated in the matter of regularization, who are altogether 43 in numbers.
4. Learned Tribunal after appreciating the evidences of the concerned workmen and the Management and also the written statement has come to the conclusion as under:

“10. From the evidence of the sponsoring union as well as from the evidence of the management it is clearly established that the concerned persons were engaged in plant cleaning job which is prohibited category of job and they were continuously working from 1981 upto sometime in the year 1992, but they have been illegally stopped from work without compliance of the legal provision as contained under Sec.25-F of the Industrial Disputes Act, therefore, the action of the management in stopping work to the concerned persons without complying of Sec.25-F of the I.D. Act is not justified.

11. MW-1 has come to say that now the management has got surplus plant cleaning workers because one unit of the washery is closed, but the management has not filed any paper showing that closure of one unit of the washery nor they have taken this plea in their written statement. At no point of time the management has filed any application stating that one unit of the washery is closed therefore they have got surplus plant cleaning mazdoor. Therefore, in absence of such documents and plea, it is difficult to believe that one plant of the washery has been closed.

12. From the discussions made above, I find that the demand of the sponsoring union for regularisation of the services of Nand Kishore Singh and 42 others, as per list enclosed in the reference order, by the management of Dugda Coal Washery of M/S. B.C.C.Ltd. is justified and they are entitled for regularisation as permanent plant cleaning mazdoor under the management of Dugda Coal Washery. They are also entitled for reinstatement into service but without back wages.

13. In the result, I render following award.

The demand of the union for regularisation of Nand Kishore Singh and 42 others, whose names find place in the list enclosed in the reference order, by the management of Dugda Coal Washery of M/S. B.C.C.Ltd. is justified and the concerned workmen are entitled for reinstatement into employment as plant cleaning mazdoor and regularisation as permanent plant cleaning mazdoor. The management is directed to implement this award within 30 days from the date of publication of the award.”

5. At the outset, Mr. Anoop Kumar Mehta, learned counsel representing the Petitioner-Management draws attention of the Court towards an order dated 10.11.2023 passed by the Hon’ble Apex Court in *Special Leave Petition (Civil) Diary No(s). 34031/2023*, which has relied the earlier order passed in *Civil Appeal No. 1881 of 2011* and submits that, even assuming but not admitting, that the Award cannot be set aside; even then, taking the claim of the workmen that they were working since 1981; now after four decades, most of them must have superannuated and if all, not superannuated; then at least they must be on the verge of superannuation.

As such, relying upon the order passed in *Civil Appeal No. 1881 of 2011*, wherein the Hon’ble Apex Court has granted lumpsum amount of Rs.50,000/- to each of the workmen along with Rs.1,000/- per month as subsistence allowance from the date of retrenchment till the date of superannuation; he fairly submits that since the case is still

pending and during the entire period of pendency of the case, the Management is regularly paying the statutory wage as per Section 17-B of the Industrial Disputes Act to the respective workmen; as such, the instant application can be disposed of without going into the merits of the case by giving lumpsum amount to the respective workmen.

6. Learned counsel for the respondent-workmen submits that there is no error in the Award and they have been discriminated and the Tribunal has categorically held the same in the Award. He further submits that the other sets of same washery were reinstated; however, he could not dispute the fact which is mentioned in para-10 of the Award that all were working since 1981.

7. He further submits that so far as payment of one-time lumpsum amount is concerned; this Court may decide the amount and he fairly admits that now out of 43 workmen 6 have already been died, detail of which has been mentioned in I.A. No. 8505 of 2024.

8. Thus, in crux, though Mr. Sahani has supported the Award, however, he could not dispute the factual scenario that many workmen have already died and if not, majority must have crossed the age of superannuation i.e. 60 years, as such, he has not opposed the idea of payment of one-time lumpsum amount. In essence, he also admitted the offer of settlement.

9. Having regard to the aforesaid discussion, this Court is of the opinion that interest of justice would suffice by respectfully accepting the view of the Hon'ble Apex Court given in the case of *Civil Appeal No. 1881 of 2011 (The Eastern Coalfields Ltd. Vs. Union of India & Ors.)* disposed of on August 31, 2023, wherein the Hon'ble Apex Court in para-8.2 has held as under:

“8.2 Taking into account that only nominal lumpsum amount was ordered to be paid, instead of Rs.7,000/- (Rupees Seven Thousand Only), we deem it appropriate that a lumpsum amount of Rs.50,000/- (Rupees Fifty Thousand Only) would be paid to each of the eligible retrenched workmen. They should also be paid monthly subsistence allowance of Rs.1,000/- (Rupees One Thousand Only) per month until they reach the age of 60 years i.e., the date of superannuation. The subsistence allowance is to be computed from the date of the Award i.e., 01.12.1998. The lumpsum amount will not carry any interest. In case of death of any workmen found eligible for relief

under this order, the due amount should be remitted to the concerned legal heirs, after proper identification. It is ordered accordingly.”

10. Accordingly, in this case also, this Court directs the Management to pay a lumpsum amount of Rs.1.00 lakh to each of the workmen. This Court is not giving any direction for payment of subsistence allowance as given by the Hon’ble Apex Court in the background that in this case payment under Section 17-B of the Industrial Disputes Act has regularly been paid to the respective workmen, in accordance with the provisions of I. D. Act, 1947.

11. Accordingly the aforesaid amount shall be paid to the respective workmen as early as possible, preferably within a period of 10 weeks.

As stated by Mr. Sahani that 6 workmen have already died, therefore, the amount as indicated herein above be remitted to their legal heirs after proper identification

12. With the aforesaid observations and directions, the instant writ application stands disposed of. The direction in the Award shall be treated as non-effective, in view the direction/compliance of payment of lump-sum amount of one Lakh to each of the concerned workmen and/or their legal heirs, as indicated hereinabove.

(Deepak Roshan, J.)

17th September, 2025

Kunal