

IN THE HIGH COURT OF JHARKHAND AT RANCHI**W.P.(L) No. 1114 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)**

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

5.Shri Pramod Kumar, Son of Sri Baidya Nath Kumar,
 r/o Bagbera Colony (46/2/3) Road no.02, P.O.& P.S.
 Bagbera, Jamshedpur District- East Singhbhum
 831006. **Respondent(s)**

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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.Ashwini Bhushan, A.C. to Sr. S.C.-II

C.A.V. ON 01/12/2025**PRONOUNCED ON:19/01/2026**

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 Heard learned counsel for the parties.

2. This writ petition has been filed by the Management of
 M/s. Neutral Publishing House Limited for quashing the
 notification of reference contained in Memo No. 12 dated
 02/01/2025, which refers a claim of short payment of

wages to the Labour Court for adjudication.

3. The Petitioner has alleged that the terms of reference do not reflect the actual or real dispute between the parties and are in gross contravention of Section 17(1) and Section 17(2) of the Working Journalists & Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 ("the Working Journalists Act, 1955"). The Management asserts that the notification of reference is beyond jurisdiction, as only the Labour Commissioner is the notified authority under Section 17(1) of the Act of 1955.

4. The Petitioner contends that the Labour Court cannot go beyond the terms of reference or adjudicate upon the validity of the reference itself. Reliance is placed on the judgment in ***National Engineering Industries Limited vs. State of Rajasthan***,¹. The Petitioner further argues that authorities must refer the real dispute between the parties, which in this case relates to the transfer of Respondent No. 5 from Jamshedpur to Bhagalpur—a transfer which is claimed to be punitive. The Management highlights that the communications from the Labour Superintendent Jamshedpur, including the notice dated 14/03/2024 and letter dated 27/05/2024, were strictly

¹ (2000) 1 SCC 371

limited to the issue of punitive transfer. These communications sought information regarding the provision for transfer in the standing orders / service rules, competence to transfer or relieve employees, stoppage of salary for not joining at the transferred location, and any other charges or enquiries. There was no mention of wages or salary as per Majithia Wage Board recommendations.

The employer has based its objection on the fact that Respondent No. 5 never presented any claim or calculation of wages as per the Majithia Wage Board recommendations to it. However, during the enquiry regarding the punitive transfer, a claim "Form C" was unexpectedly submitted, leading to a reference based on a claim amounting to Rs. 1,48,35,325/-.

The labour authorities, represented by Respondent No. 4, have filed a Counter Affidavit admitting that a reference has already been made, registered as Reference No. 01 of 2025 in the Labour Court, Jamshedpur. It is argued that Respondent No. 5 submitted a letter dated 28/02/2024, alleging conspiracy due to his demand for higher wages under the Majithia Wage Board recommendations, while challenging his punitive transfer from Jamshedpur to Bhagalpur. The Respondents' counsel admits that the employee submitted "Form C" under the

Working Journalists Act, 1955 on 25/04/2024; thus raised a claim under Section 17(2) for non-payment of wages as per the Majithia Board while the initial complaint was regarding punitive transfer. Section 17(2) prescribes that disputed wage claims must be referred for adjudication by the State Government, and therefore, no violation of any State Government notification occurred. The investigation by the Labour Superintendent and the Deputy Labour Commissioner was conducted under their powers as inspectors notified under Section 17-B(1) of the Working Journalists Act.

The Respondent No. 5, employee has appeared but has not filed any Counter Affidavit, merely adopting the arguments presented by Respondents No. 1 to 4. Admittedly, the documents demanded by the Labour Superintendent from the employer solely related to the enquiry proceedings relating to the transfer of Respondent No. 5. Only a casual reference that the transfer was due to demand for higher wages does not make it a wage or salary dispute. There was no demand for wage registers or documents relating to the wage structure for Prabhat Khabar employees or the concerned employee. The Supreme Court, in ***Avishek Raja vs. Sanjay Gupta***,²,

² (2017) 8 SCC 435

clarified that all complaints regarding non-implementation of the Majithia Wage Board Award should be addressed through the mechanism provided under Section 17 of the Working Journalists Act, 1955; rather than through contempt proceedings in courts. The Court further held that writ petitions challenging transfer or termination are matters concerning service conditions and should be determined by appropriate authorities under the Act or other relevant laws, such as the Industrial Disputes Act, 1947. The Apex Court has noticed claims of punitive transfer arising from demands for higher wages under the Majithia Wage Board recommendations. For brevity relevant paragraphs are quoted hereinbelow; the Hon'ble Supreme Court had issued following pertinent directions:-

29. *Having clarified all doubts and ambiguities in the matter and upon holding that none of the newspaper establishments should, in the facts of the cases before us, be held guilty of commission of contempt, we direct that henceforth all complaints with regard to non-implementation of the Majithia Wage Board Award or otherwise be dealt with in terms of the mechanism provided under Section 17 of the Act. It would be more appropriate to resolve such complaints and grievances by resort to the enforcement and remedial machinery provided under the Act rather than by any future approaches to the courts in exercise of the contempt jurisdiction of the courts or otherwise.*

30. *Insofar as the writ petitions seeking interference with transfer/termination, as the case may be, are concerned, it appears that the same are relatable to service conditions of the writ petitioners concerned. Adjudication of such question in the exercise of high prerogative writ jurisdiction of this Court under Article 32 of the*

Constitution would not only be unjustified but such questions should be left for determination before the appropriate authority either under the Act or under cognate provisions of law (Industrial Disputes Act, 1947, etc.), as the case may be.

Emphasis Supplied

The notice to Management pertained only to punitive transfer, which should be adjudicated under the Industrial Disputes Act, 1947, not the Working Journalists Act, 1955. It remains unclear how the enquiry shifted from punitive transfer to a wage claim of Rs. 1,48,35,325/-, and the Management was not given an opportunity to address this claim, which arose after the employee's transfer.

Even if the Respondents' assertion that a reference can be made under Section 17(2) of the Working Journalists Act to the Labour Court is accepted, the facts do not clearly establish whether the Labour Authorities were investigating a claim of punitive transfer or higher wages. The employer was not notified or informed about the actual or real dispute.

5. The Supreme Court in ***Tisco Iron and Steel Company Limited vs. State of Jharkhand***,³ held that the terms of reference must accurately reflect the real dispute between the parties; otherwise, the reference is defective and pre-judges contentious issues, which should be reserved for adjudication by the Labour Court/Industrial

³ (2014) 1 SCC 536

Tribunal. In Tisco case(supra) the following proposition of law in paragraph No. 11 and 18 of this Judgment are relevant and thus, reproduced below:-

11. Having said so, we are of the opinion that the terms of reference are not appropriately worded inasmuch as these terms of reference do not reflect the real dispute between the parties. The reference presupposes that the respondent workmen are the employees of the appellant. The reference also proceeds on the foundation that their services have been "transferred" to M/s Lafarge. On these suppositions the limited scope of adjudication is confined to decide as to whether the appellant is under an obligation to take back these workmen in service. Obviously, it is not reflective of the real dispute between the parties. It not only depicts the version of the respondent workmen, but in fact accepts the same viz. they are the employees of the appellant and mandates the Labour Court/Industrial Tribunal to only decide as to whether the appellant is required to take them back in its fold. On the contrary, as pointed out above, the case set up by the appellant is that it was not the case of transfer of the workmen to M/s Lafarge but their services were taken over by M/s Lafarge which is a different company/entity altogether. As per the appellant they were issued fresh appointment letters by the new employer and the relationship of employer-employee between the appellant and the workmen stood snapped. This version of the appellant goes to the root of the matter. Not only it is not included in the reference, the appellant's right to put it as its defence, as a demurer, is altogether shut and taken away, in the manner the references are worded.

18. It follows from the above that the reference in the present form is clearly defective as it does not take care of the correct and precise nature of the dispute between the parties. On the contrary, the manner in which the reference is worded shows that it has already been decided that the respondent workmen continue to be the employees of the appellant and further that their services were simply transferred to M/s Lafarge. This shall preclude the appellant to put forth and prove its case as it would deter the Labour Court to go into those issues. It also implies that by presuming so, the appropriate Government has itself decided those contentious issues and assumed the role of an adjudicator which is, otherwise, reserved for the Labour Court/Industrial Tribunal.

It is also important to address the importance of conciliation in industrial adjudication. When a complaint of punitive transfer is raised, the mechanism in Section 17 is completely irrelevant and action has to be taken under Section 3 of the Working Journalists Act, 1955 which makes Industrial Disputes Act, 1947 applicable to newspaper employees. The labour authorities should not treat conciliation proceedings as a useless formality. The notice issued to the Management was regarding the alleged punitive transfer and the claim for wages was not mentioned in the notice. There is also no record regarding any steps undertaken for settlement of claim of punitive transfer. The Respondents no. 1 to 4 cannot skip and jump from one issue to another without following due process.

The recourse under Section 17(2) of the Working Journalists Act, 1955 requires fulfilment of some statutory conditions. The provision is reproduced for ready analysis:

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).

There is no report that any questions arose on the calculation furnished by the Respondent-employee. The Management was not called upon to produce the wage structure or respond to the claim. The Management was asked to explain its action of transferring one of its employees. There is no response on the difference of salary/wage claim from the Petitioner – Management to assume that any question arises that requires adjudication by reference to the Labour Court. Accordingly, it is found that the actual dispute was not referred for adjudication by the Respondents. Since the real dispute was never referred and the Management was not confronted with any calculation regarding higher wages, there is no basis to assume a dispute over the amount due that would require adjudication.

The Management has also argued that only the Labour Commissioner, Jharkhand, has been notified under Section 17(1) of the Act of 1955 is completely irrelevant as reference was under Section 17(2) by the State Government which involves the Governor of Jharkhand. It is unambiguous from the statutory mandate of Section 17 that sub section 1 is for undisputed/adjudicated claims which have to be transmitted by the Labour Commissioner to the Certificate Officer for recovery under the Jharkhand Public Demands

Recovery Act. Moreover, the Management ought to have responded to the claim of punitive transfer as the Industrial Disputes Act, 1947 has been made applicable to newspaper employees.

Therefore, based on the reasons above, the terms of reference in Notification No. 12 dated 02/01/2025, referring the wage dispute under the Majithia Wage Board to the Labour Court, Jamshedpur, is quashed.

6. As a result, Reference Case No. 01 of 2025 before the Labour Court at Jamshedpur is also quashed. However, Respondents No. 1 to 4 are at liberty to follow the provisions of the Working Journalists Act, 1955 and the Industrial Disputes Act, 1947 meticulously and to refer the real dispute between the employer and the newspaper employee for adjudication.

7. As a result, the instant writ application stands allowed. Pending I.A.s, if any, also stands closed.

(Deepak Roshan, J.)

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

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