

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (L) No. 1859 of 2003

Employers in relation to the management of Gondudih colliery of
M/s. Bharat Coking Coal Limited, P.O. Kasunda, district-Dhanbad.

.....Petitioner

Versus

1. The Presiding Officer, Central Government Industrial Tribunal No.2, Dhanbad.
2. The Secretary, Colliery Mazdoor Sabha of India, Kendua Bazar, P.O. Kusunda, district-Dhanbad.

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : M/s. Anoop Kumar Mehta, Manish Kumar,
Pratyush, Advocates

For the Respondents : Ms. Amrita Sinha, Amicus Curiae

08/Dated:-11.11.2025

1. Heard learned counsel for the parties.
2. The instant writ application was preferred assailing the award dated 07.10.2002 passed by the Central Government Industrial Tribunal No.2 at Dhanbad in Ref. No. 135/1987. The terms of reference by the Government is extracted hereinbelow:

"Whether the action of the Management of Gandudih Colliery of Kusunda Area of M/s. Bharat Coking Coal Limited, Dhanbad in dismissing Sri Jugal Turi and Ganesh Kole alias Jagdish Kole, Timber Mistry of Gondudih Colliery with effect from 30.10.86 is justified? If not to what relief these workmen are entitled?"

3. The learned Presiding Officer has awarded the reference in favour of the workmen and held in the concluding portion as under:

"In the result, the following award is rendered:-

"The action of the management of Gondudih Colliery of Kasunda Area of M/s. Bharat Coking Coal Limited, Dhanbad in dismissing Shri Jugal Turi and Ganesh Kole alias Jagdish Kole Timber Mistry of Gondudih Colliery with effect from 30.10.86 is not justified, and for which they are legally entitled to be reinstated in service with effect from the date of their dismissal with 50% back wages.

Management is directed to implement the award within three months from the date of the publication in the official Gazette.”

4. Pursuant thereto, the management assailed the award by way of filing the instant application. However, from record, it appears that in spite of best efforts, the respondent-Union did not appear who represented the concerned workmen. In spite of proper paper publication also, none appeared on behalf of the Union. Forced with the situation, Ms. Amrita Sinha, learned counsel was appointed as Amicus Curiae.

5. One interesting thing is gathered from the record that the concerned workmen have not even filed an application for 17B, therefore, it is very difficult to ascertain his whereabouts and as to whether he is alive or not; as such, no fruitful purpose would be sufficed by adjudicating the case on merit; accordingly, the instant writ application stands disposed of by giving liberty to the Petitioner-Management to challenge the Award afresh, if at all the concerned-Workman proceeds for implementation of the Award.

6. Pending I.A., if any, also stands closed.

7. The Secretary, Jharkhand High Court Legal Services Committee shall reimburse the learned Amicus on submission of bills. Fee for the learned Amicus shall be as per the existing guidelines.

8. Let a copy of this order be given to the Secretary, Jharkhand High Court Legal Services Committee.

(Deepak Roshan, J.)

November 11, 2025

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