

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cont. Case (C) No. 987 of 2025

Ganesh Turi

... Petitioner

Versus

Sri Nilendu Kumar Singh and Ors.

... Opp. Parties

CORAM : HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner	: Ms. Saman Ahmad, Advocate
For the Opp. Party	: Mr. Amit Kumar Das, Advocate
	: Mr. Sankalp Goswami, Advocate
	: Ms. Kanishka Deo, Advocate
	: Mr. Prashant Vidyarthi, Advocate
	: Mr. Romit Kumar, Advocate

05/Dated: 10th December, 2025

1. We have heard the learned counsel for the petitioner, who has argued on the basis of the statement made in the rejoinder to the show cause, stating *inter alia* that as per the award, appended as Annexure-A to the affidavit; filed by way of the rejoinder, the action of the management, by not correcting his date of birth, is illegal and not justified and in consequence thereof, the workman has been held entitled for accepting his date of birth to be of 07.06.1948 and If he is superannuated, in the meanwhile, the management is to clear his dues forthwith preferably within 3 months.

2. It has been contended that nothing has been paid even though the petitioner has been treated to be retired from service with effect from 30.06.2008 and thereby a direction, as referred in Para 32 of the impugned order, has been passed to release the post-retiral benefits along with other admissible dues, treating the date of retirement of the petitioner as 30.06.2008.

3. Further, it has been contended by making reference of the word 'Admissible Dues' treating the date of retirement of the petitioner as 30.06.2008 and as such, dues as referred in the award, impliedly means the admissible dues which is the back wages.
4. The second ground has been taken by strengthening the ground of entitlement of back wages. It would be evident from Para 33 of the impugned judgment wherein direction has been passed upon the CMPF authority to make payment of the CMPF amount treating the date of retirement of the writ petitioner as 30.06.2008. But the same having not been paid, initiation of contempt proceeding for not making payment of the CMPF amount treating the date of retirement of the writ petitioner as 30.06.2008 has sought for.
5. It has been submitted that if the Para 32 and 33 would be taken together, then impliedly it would mean that without making payment of the back wages, there cannot be any disbursement of the amount as per the scheme, since, the CMPF amount is to be paid on the basis of subscription to be made by one or the other employees which is to be deposited statutorily from the salary on month to month basis and exactly, the same quantum of amount is to be paid by the employer to be deposited in the account being opened and monitored by the CMPF.
6. It has further been submitted that even the amount of the gratuity has not been paid, treating the date of retirement to be of 30.06.2008,

whereas it is only been paid by considering the date of retirement of the writ petitioner as July, 1995 and only amount of Rs. 81,000 and odd has been paid as per the stand taken by the respondent-CCL.

7. Learned counsel appearing for the CCL has sought for time to seek instruction.

8. Time, as prayed for, is allowed.

9. Let the case be listed on 7th January, 2026.

(Sujit Narayan Prasad, J.)

10th December, 2025
Samarth