

**IN THE HIGH COURT OF JHARKHAND AT RANCHI****W.P.(L) No. 175 of 2010**

Employers in relation to the Management of Kustore Area of M/s.
Bharat Coking Coal Limited. **Petitioner**

Versus

Their workmen being represented by Member of Executive
Committee, Janta Mazdoor Sangh, Dhanbad.

... .. **Respondent**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. A.K. Mehta, Advocate

For the Respondents : Mr. Shekhar Prasad Sinha, Advocate

29/05.05.2026

1. Learned counsel for the petitioner submits that the reference was made by reference order dated 22.08.2003 by the Central Government Ministry of Labour at the instance of the union as to whether Ashok Ram and 29 others were entitled for regularization. He submits that a direction for regularization has also been made by the learned labour court with effect from 01.01.1995 with 50% back wages.

2. Learned counsel submits that as per the written statement filed on behalf of the workmen, the specific case of the workmen is in paragraph 11 was that the management had terminated the services of the concerned workmen with effect from January, 1995 by stopping them to work without assigning any reason and without complying the mandatory provision. Learned counsel submits that there is a huge gap between the termination in 1995 and the reference in year 2003 and once the workmen stood terminated, there was no scope for passing any direction for regularization.

3. Learned counsel has relied upon the Hon'ble Supreme Court reported in *(2015) 4 SCC 71 [Oshiar Prasad and Others vs. Employers in Relation to Management of Sudamdih Coal Washery of M/s Bharat Coking Coal Limited, Dhanabd Jharkhand]* and has referred to paragraph 21, 22 & 23 of the said judgment to submit that



no industrial dispute existed with regard to absorption/regularization as the concerned workmen in the present case, who were already terminated way back in the year 1995 as per their own case. He submits that under such circumstances, the impugned award directing regularization of the concerned workmen is perverse and calls for interference.

4. The matter is adjourned at the request of the learned counsel for the respondent for his argument tomorrow.
5. Let this matter be treated as part heard.
6. Post this case tomorrow i.e. on 06th May, 2026 as a first case to be taken up at 02:15 PM.

(Anubha Rawat Choudhary, J.)

Rakesh/-