



(2024:JHHC:44999) 2024:JHHC:44999

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P No.3720 of 2017

1. A.K. Sahay @ Ajit Kumar Sahay, the then Chairman cum Managing Director of M/s. Bharat Coking Coal Ltd. Koyla Bhawan, PO Koyla Nagar, PS Sariadhella, Dist. Dhanbad, in is is was at present resident of C-5/57, PO & PS Vasant Kunj, Dist. New Delhi, PIN 110070
2. Anup Gupta @ Anup Krishna Gupta, the then director)Personnel) of M/s. BCCL, Koyla Bhawan, PO Koyla Nagar, PS Saraidhella, Dist. Dhanbad at present residing at HIG B-4/4, Calcutta Greens Phase-I, 1050/2, Survey Park, PO & PS Santoshpur, Dist. Kolkata, West Bengal, PIN 700075
3. V.P Gupta @ Vishwanath Prasad Gupta, the then General Manager (P& IR), M/s BCCL, Koyla Bhawan, PO Koyla Nagar PS Saraidhella, Dist. Dhanbad at present resident of C-806 Purva Panorama, Bawner Ghatta Road, PO & PS Bawner Ghatta, Dist. Bengaluru, Karnataka 560076
4. D. Dutta @ Debasis Dutt, EX-Chief Engineer, Bhuli Town Adminstration of M/s. BCCL at & PO Bhuli PS Saraidhella Dist. Dhanbad at present residing at Dutta Villa, Lindse Club Road, PO PS & District Dhanbad Pin 826001
5. M/s. Bharat Coking Coal Ltd. represented through Sri K.K. Tiwari @ Kamal Kant Tiwari, Company Secretary, Koyla Bhawan, PO Koyla Nagar PS Saraidhella, Dist. Dhanbad at present residing at Bhuwal Chowk, PO & PS Deoaria, Dist. Gazipur (UP) PIN 232340

.... Petitioners

Versus

1. The State of Jharkhand
2. The Labour Enforcement Officer(Central), Jharia, Dhanbad and Incharge of LEO (C) Dhanbad-IV PO Jagjivan Nagar, PS Saraidhella, Dist. Dhanbad

.... Opposite Parties

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Anoop Kr. Mehta, Advocate

For the State : Mr AZeemuddin, Adl. P.P

For Opposite Party No.2 : Mr. Shiv Kr. Sharma, Sr. PC

Order No.06/ Dated- 07-05-2026

Heard the parties.

2. Learned counsel for the petitioner submits that Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 482 of the Cr.P.C with the as prayer to quash the order dated 16.12.1996 passed by the Chief Judicial Magistrate, Dhanbad in ID Case No. 471 of 1998 whereby the learned Magistrate has taken cognizance of the offence under Section 29 of the Industrial Disputes Act.



3. The brief facts of the case is that petitioner no.1 is the Chairman-cum-Managing, Director of BCCL, petitioner no.2 is the Director Personnel of BCCL, petitioner no.3 is the General Manager (P&IR) of BCCL, petitioner no.4 is the Chief Engineer, Bhuli Town Administration of BCCL & Petitioner no.5 is the company BCCL. Petitioners are responsible for implementation of the said award in Reference No.48 of 1991 passed by the Central Govt. Industrial Tribunal No.2, Dhanbad but they failed to implement the same as per the direction given to them. The authorities committed violation of Section 18 read with section 32 of the Industrial Dispute Act 1947 and they have also committed the offence punishable under Section 49 of the said Act and Labour Enforcement Officer (Central), Jharia District Dhanbad filed ID Case No. 471 of 1998 to this effect in the court of Chief Judicial Magistrate Dhanbad. Learned Chief Judicial Magistrate, Dhanbad passed the summoning the order against the petitioners vide order 16.12.1998.

4. It is submitted by the learned counsel for the petitioner that as per the said award the reference was answered by holding that all the concerned workmen are entitled for their regularization by management of BCCL without any back wages. The award of the Tribunal was challenged before Hon'ble Supreme Court of India under Article 136 of the Constitution of India. Leave was granted but the civil appeal was dismissed. Subsequent the management of BCCL initiated steps for implementation of the award and called upon Union to furnish the identity particulars. However, serious dispute arose between the beneficiaries of the award and as such I.A. No. 6 of 1996 was filed by the M/s. BCCL before the Hon'ble Supreme Court of India in Civil No.1249 of 1993 for direction that the workmen concerned should furnish full particulars namely their fathers name, age address etc. and further to direct the Tribunal to carry out proper identification of the said workmen. Inter-alia in the said I.A. the Hon'ble Supreme Court of India directed that in case the management faces any difficulty in identification of the concerned workmen the matter would be decided by the Tribunal. The management of BCCL published a notice duly notified in daily newspaper Awaz by which applications for identification were invited in format duly approved by the Apex Court. While the process of identification for implementation of the award under progress the opposite party no.2 filed complaint under Section 29 of the ID Act in the court of CJM, Dhanbad. While the matter was pending before the different forums relating to identity and the learned court below took cognizance of the offence on 16.12.1998. The petitioner no.3 herein filed a writ application before



the High Court of Delhi being W.P(C) No. 6150 of 1999 for a direction upon 2024 JHC:44999
Chief Labour Commissioner, Ministry of Labour, New Delhi to accord permission sought for by the Regional Labour Commissioner to withdraw ID Case No. 471 of 1998 when the matter was pending before the Delhi High Court the President of Bihar Shramik Sangh filed a contempt application before Hon'ble Supreme Court of India being Cont. Petition (C) No. 52 of 2000 against the petitioner no.1 and others and by the order dated 29.8.2000 the Hon'ble Supreme Court of India directed District Judge to examine identity claims of the 470 applicants against 116 awardees and submit his report. Hon'ble Apex Court recorded the fact that as per the inquiry report dated 6.8.2001 not a single claimants has been able to establish his claim as real awardee and in this view of the matter no action is called for and contempt petitions were rejected. A writ application before the Delhi High Court was dismissed for non-prosecution. Petitioner no.3 herein filed an application for restoration of writ application being W.P (C) No. 6150 of 1999 was restored to its original file but the same was dismissed as withdrawn.

5. On the aforesaid facts, learned counsel for the petitioners submits that since contention of the petitioners that the award is not implementable, involves finding of facts which obviously this court cannot, in exercise of the power under Section 482 of the Cr.P.C, arrive at in absence of any evidence and the petitioners therefore seek permission of this Court to withdraw this petition with liberty to raise the grounds before the appropriate court or before the appropriate authority.

6. Permission is accorded.

7. Accordingly, the instant petition stands dismissed as withdrawn.

(Anil Kumar Choudhary, J.)