

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cont. Case (Civil) No.1438 of 2025

Their Workmen represented by Bihar Colliery Kamgar Union, through its Secretary, Suresh Prasad Gupta, aged about 65 years, son of Ram Das Prasad Gupta, resident of Lodna Bazar, P.O. and P.S. Lodna (OP), District Dhanbad, having its office at Old Bazaar, P.O. and P.S. Old Bazar, District Dhanbad, Jharkhand.

..... Petitioner

Versus

1.The State of Jharkhand

2.Mr. Sanjiv Kumar Kashayap, Employer in relation to the Management, North Tisra Colliery of M/s Bharat Coking Coal Limited, P.O. Khas Jeenagora, P.S. Jeenagora, District Dhanbad, Lodna Area of M/s Bharat Coking Coal Limited, Dhanbad, P.O. North South Tisra, P.S. Jeenagora.

..... Opp.Parties

CORAM:HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioner : Mr. Nand Kishore Prasad Sinha, Advocate
Mr. Salahuddin Ansari, Advocate
For the State : Ms. Varsha Ramsisaria, A.C. to G.P.-V
For the O.P.No.2 : Mr. Anuplal Das, Sr. Advocate
Mr. Amit Sharma, Advocate
Mr. Shubham Malviya, Advocate

10/04.05.2026 Reference may be made to order dated
17.04.2026 passed by this Court in this case.

2. I.A. No. 6318 of 2026 has been filed on
04.05.2026 on behalf of O.P. No.2, i.e. M/s Bharat Coking
Coal Limited, seeking constitution of a Committee for
determining the identity of the claimants/workmen in a
time bound manner.

3. An additional affidavit has also been filed today, i.e. on 04.05.2026 on behalf of the opposite party in terms of the aforesaid order dated 17.04.2026.

4. We have considered the additional affidavit filed today, i.e. on 04.05.2026, wherein it has been stated that in compliance of the order dated 17.04.2026, two persons have been provided employment vide letter dated 30.04.2026. However, due to lack of expertise, competency etc. a petition has been preferred before this Court for seeking clarification for providing benefit of award by constitution of a committee. It has further been submitted that due to mismatching of the date of birth etc., the award is not given effect to with respect to other members of the Union, whose name figured in the relevant list at the time of making Reference.

5. Learned counsel appearing for the petitioner has submitted that all the necessary details are available. It is submitted that the details of the 47 workmen, referred to in the list at the time of making Reference is already available with the Opposite Party No.2. Rest of the workmen (i.e. $75-47=28$ in number) are the dependents of the workmen who have died in course of litigation and they are also now working and the works are being taken from them by the opposite party.

6. So far as the factum of compliance is concerned, it appears that the impugned Award dated 08.06.2000, passed in Reference Case No.97 of 1995 which has attained its finality after dismissal of the S.L.P.(C) Diary No. 46984 of 2023, vide order dated 05.08.2024 and thereafter the review petition, which also ended in dismissal on 10.12.2024, itself reflects that learned Tribunal passed the Award by commanding upon the Management to regularize the Workmen within 30 days from the date of publication of the award.

7. It further appears from the impugned Award that the total number of workmen referred to therein is 75. It is the admitted case of the opposite party that out of 75 workmen, two workmen have been regularized vide aforesaid orders dated 30.04.2026.

8. However, the relevant orders appended as Annexure-P with the additional affidavit sworn in terms of the order dated 17.04.2026, reveal that both the orders were passed on the same day i.e. on 30.04.2026, one in favour of one Smt. Savitri Devi and the other in favour of Mahesh Paswan, offering appointment as Trainee in Surface on initial basic wage (only) of Cat-I for a period of 06 months and that on successful completion of training, they shall be regularized in Category-I pay scale of NCWA-XI in the post of General Assistant.

9. When this Court posed the question as to how the aforesaid orders be called orders of regularization

as those were passed with a condition 'on successful completion of training', Mr. Anuplal Das, learned Senior counsel appearing for the concerned opposite Party has submitted that some mistake is there and the orders will be recalled and fresh orders will be passed strictly in terms of the Award.

10. He has admitted the fact that the award is for regularization and as such there cannot be any condition like 'on successful completion of training' for regularization. He has submitted that this issue will be resolved and necessary rectified orders will be passed.

11. We are not passing any adverse order at present on this point considering the undertaking of learned Senior counsel for the concerned opposite party that said orders will be recalled and fresh orders will be passed strictly in terms of the impugned Award dated 08.06.2000.

12. So far as the issue of identification of workmen is concerned, apart from the 47 workers, who are before the opposite party and whose cases are lying pending for identification, this court is of the view that the rest of the workmen (i.e. $75-47=28$), who are the dependents of the workmen who had died in course of litigation, are also to be identified.

13. Under the circumstances, an independent committee is to be constituted and accordingly, the Deputy Commissioner, Dhanbad is directed to constitute

a committee consisting of Five members, headed by an Officer of the rank of Additional District Magistrate. The other members of the said Committee will be one Assistant Labour Commissioner (Central) and two Executive Magistrates and an Officer of the rank of the Deputy General Manager, M/s Bharat Coking Coal Limited will be the presenting Officer, who will produce entire record before the said Committee on the first day of the proceeding.

14. The Committee will identify the workmen by its own mechanism to be evolved for the purpose and by calling upon the reports from the mukhiyas of the concerned Panchayats.

15. It has been submitted by Mr. Anuplal Das, learned Senior Counsel appearing for the opposite party no.2 that M/s Bharat Coking Coal Limited will bear the entire cost likely to be incurred in the process of identification.

16. So far as arrear amount to be paid in favour of all the workmen in compliance of the impugned Award is concerned, this Court is of the view that the total arrear amount with respect to all the workmen, excluding the two, whose regularization is to be made effective vide fresh orders to be issued by the O.P. No.2, as assured by the learned Senior Counsel for the O.P.No.2, are to be calculated and deposited by the O.P. No.2 before the

Registrar General of this Court by way of term deposit in the name of the Registrar General of this Court.

17. At this juncture, Mr. Anuplal Das, learned Senior Counsel appearing for O.P. No.2 has submitted that since there are two categories of Claimant/Workmen, one consisting of the 47 workmen (excluding the aforesaid two workers), whose claims are lying pending before the O.P. No.2 on the issue of identification and the other one consisting of rest of the workmen who are claiming to be the dependent of the workmen who had already died in course of litigation and as such O.P. No.2 may be allowed to deposit two term deposit receipts, one with respect to the arrears of amount pertaining to aforesaid 47 workmen, excluding the aforesaid two workmen and the other one is for the rest (i.e. $75-47=28$), i.e. the dependent of the workmen, who died during the course of litigation.

18. This Court has no objection to the aforesaid proposal of learned Senior Counsel for O.P No.2.

19. Under the circumstances, let the amount of arrear be calculated and bifurcated into two parts. One part pertaining to the workmen, whose identification is lying pending before the Opposite Parties, i.e. $47-2=45$ workers as learned Senior Counsel for O.P. No. 2 has already assured this Court today that they will pass fresh order of regularization, in terms of the direction contained in the impugned award, in favour of the aforesaid two workers, namely Smt. Savitri Devi and Mahesh Paswan

who have already been identified by O.P. No.2 out of the 47 workers, whose claims are lying pending before the O.P. No.2. The other part is pertaining to the rest, i.e. the dependent of the workmen (i.e. $75-47=28$), who died during the course of litigation. Let two term deposit receipts, by way of fixed deposit, be prepared, with respect to aforesaid two parts, in the name of learned Registrar General of this Court on the terms and conditions of the annual renewal at the end of the maturity period and be submitted before the Registrar General.

20. Let the aforesaid exercise be positively completed within Eight (08) weeks from today.

21. Put up this case on 07.07.2026.

(Sujit Narayan Prasad, J.)

(Sanjay Prasad, J.)

s.m.
Dated 04.05.2026