



2021:JHHC:39775

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(L). No. 7058 of 2019

Chief Manager (Mining)/ Project Officer, Govindpur
Area of M/s. Bharat Coking Coal Ltd., Dhanbad

... ..
...Petitioner
-Versus-

Smt. Kali Kamin, wife of Gopal Bouri

... ..
...Respondent

CORAM: THE HON'BLE MR. JUSTICE DR. S.N.PATHAK

(Through: Video Conferencing)

For the Petitioner : Mr. A.K. Mehta, Advocate
For the Respondent : Mr. Niranjn Singh, Advocate

04/04.06.2020 In view of outbreak of COVID-19 pandemic, case has been taken up through Video Conferencing. Concerned lawyers have no objection with regard to the proceeding, which has been held through Video Conferencing today at 10:30 A.M. onward. They have no complaint in respect to the audio and video clarity and quality.

Mr. A.K. Mehta, learned counsel appearing for the petitioner, very fairly submits that petitioner is conscious of the fact that petitioner has lost upto the Hon'ble Supreme Court and as per the observations and directions of the Hon'ble Supreme Court, petitioner-Management has acted accordingly and has already deposited the amount of Rs.40.00 lakh (Rupees Forty Lakh) before the Central Government Industrial Tribunal No. 1, Dhanbad by Account Payee Cheques dated 16.11.2016. The amount has not yet been withdrawn by the parties. Mr. Mehta further argues that by way of this writ petition, he wants to bring to the notice of the Court that it was the Central Government Industrial Tribunal No. 1, Dhanbad, which was to carry out the calculation and also the identification but the same has been done by the Labour Court, Dhanbad, which is neither in accordance with law nor according to the directions of the Hon'ble Supreme Court. Mr. Mehta further argues that some protection be given to the petitioner-Management as the Labour Court/ Civil Court, Dhanbad may proceed for coercive steps against the petitioner-Management.

Per contra, Mr. Niranjn Singh, learned counsel appearing for the respondent submits that order of the Labour Court, Dhanbad is fully justified and writ petition is not at all maintainable. Mr. Singh further argues that similar issue fell for consideration before this Court in W.P.(L). No. 3497 of 2013 and the Hon'ble Court has been pleased to dismissed the said writ petition as infructuous.



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Under such circumstances, let the respondent file counter-affidavit.

Put-up this case after six weeks.

In the meantime, no coercive steps shall be taken against the petitioner-
Management in respect of judgment dated 27.02.2019, passed in M.J. Case No. 04 of 2012.

(Dr. S.N. Pathak, J.)

kunal/-