



2021:JHHC:39775

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
(Civil Writ Jurisdiction)  
W.P.(L) No. 4842 of 2019

.....  
Chief Managing (Mining) / Project Officer,  
Govindpur Area of M/s. Bharat Coking Coal Limited  
..... Petitioner  
**Versus**  
Kisto Bouri ..... Respondent  
WITH  
W.P.(L) No. 7058 of 2019

.....  
Chief Managing (Mining) / Project Officer,  
Govindpur Area of M/s. Bharat Coking Coal Limited  
..... Petitioner  
**Versus**  
Smt. Kali Kamin ..... Respondent  
WITH  
W.P.(L) No. 7085 of 2019

.....  
Chief Managing (Mining) / Project Officer,  
Govindpur Area of M/s. Bharat Coking Coal Limited  
..... Petitioner  
**Versus**  
Siblal Bhuiya ..... Respondent  
WITH  
W.P.(L) No. 7252 of 2019

.....  
Chief Managing (Mining) / Project Officer,  
Govindpur Area of M/s. Bharat Coking Coal Limited  
..... Petitioner  
**Versus**  
Smt. Phaguni Devi ..... Respondent

**CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO**

.....  
For the Petitioner : Mr. Anoop Kumar Mehta, Advocate.  
Mr. Amit Kumar Sinha, Advocate.  
For the Respondents : Mr. Lukesh Kumar, Advocate  
.....

**11/02.12.2021.**

On the joint prayer of the parties the analogous matters i.e. W.P.(L) No.7058/2019, W.P.(L) No.7085/2019 and W.P.(L) No.7252/2019 have been notified today.

Heard, learned counsel for the petitioner, Mr. Anoop Kumar Mehta assisted by learned counsel, Mr. Amit Kumar Sinha and learned counsel for the respondents, Mr. Lukesh Kumar.

Learned counsel for the petitioner has submitted that impugned judgment dated 27.02.2019 passed in M.J. Case No.03/2012 and M.J. Case No.04/2012 as well as impugned judgment dated 29.03.2019 passed



in M.J. Case No.26/2012 and M.J. Case No.25/2012 passed by learned Presiding Officer, Labour Court, Dhanbad are without jurisdiction as execution cases have been filed before the wrong forum, which ought to have been filed before the Central Government Industrial Tribunal No.1-cum-Labour Court, Dhanbad to execute the award dated 28.02.1989 in Ref. Case No.68/1983.

Learned counsel for the petitioner, Mr. Anoop Kumar Mehta has further submitted that B.C.C.L. has given assurance before the Apex Court in terms of order dated 28.11.2016 passed in SLP (Criminal) No.3546/2008, which has been arisen out of a criminal prosecution initiated against the B.C.C.L., to implement the award passed by Central Government Industrial Tribunal No.1 (CGIT), Dhanbad, the M/s B.C.C.L. has deposited a sum of Rs.5,00,000/- with respect to each workman.

Learned counsel for the petitioner, Mr. Anoop Kumar Mehta has further submitted that actual amount payable under the award can be computed by the CGIT in a proceeding under Section 33-C (2) of the Industrial Disputes Act, 1947 and the petitioner has no objection, if the same is done by the CGIT expeditiously, as the Apex Court has also considered in SLP (Criminal) No.3546/2008 vide order dated 07.11.2016, that the amount can be disbursed to the workman subject to their verification by the Central Government Industrial Tribunal (CGIT), Dhanbad, as such, impugned judgment dated 27.02.2019 passed in M.J. Case No.03/2012 and M.J. Case No.04/2012 as well as impugned judgment dated 29.03.2019 passed in M.J. Case No.26/2012 and M.J. Case No.25/2012 passed by learned Presiding Officer, Labour Court, Dhanbad may be set aside as the same is without jurisdiction.

Learned counsel, Mr. Lukesh Kumar appearing for the workmen has submitted that though the matter is lingering since 1983, but he is ready to concede to the extent, that if this Court may frame some time period to decide the issue by the Central Government Industrial Tribunal No.1 (CGIT), Dhanbad in view of the observation made by the Hon'ble Supreme Court in SLP (Criminal) No.3546/2008.

Considering such submissions on behalf of the workmen, this Court set aside the impugned judgment dated 27.02.2019 passed in M.J. Case



No.03/2012 and M.J. Case No.04/2012 as well as impugned judgment dated 29.03.2019 passed in M.J. Case No.26/2012 and M.J. Case No.25/2012 passed by learned Presiding Officer, Labour Court, Dhanbad giving liberty to the workmen to file appropriate application before the Central Government Industrial Tribunal No.1 (CGIT), Dhanbad -cum- Labour Court, Dhanbad, under Section 33-C (2) of the Industrial Disputes Act, 1947 for execution of the award dated 28.02.1989 passed in Ref. Case No.68/1983.

The workmen must file such application in the format provided by the B.C.C.L. before the Hon'ble Apex Court, before the Central Government Industrial Tribunal (CGIT), Dhanbad -cum- Labour Court, Dhanbad after serving copy of the same upon the retainer counsel of the B.C.C.L. namely, Mr. D. K. Verma by 14.12.2021. The B.C.C.L. is directed to file reply to the said application by 21.12.2021.

The workmen are also directed to file document with regard to their identity, which shall be verified by the CGIT in the light of the order passed by the Apex Court in the case of *M/s BCCL Vs. Raghunath Balmiki and Others* reported in *1997 SCC 177*, which has already been referred in the affidavit filed by the B.C.C.L. in SLP (Criminal) No.3546/2008.

Learned Tribunal shall decide the issue within a period of four weeks from 21.12.2021 as the matter is lingering since 1983 and to comply the award dated 28.02.1989 passed in Ref. Case No.68/1983.

Accordingly, these cases are disposed of.

Let the order be communicated to the Central Government Industrial Tribunal (CGIT), Dhanbad -cum- Labour Court, Dhanbad through 'FAX' at once.

**(Kailash Prasad Deo, J.)**

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