



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 Limited, P.O. Katrasgarh, P.S. - Katras, District - Dhanbad, through Sri Upendra Kumar Singh, son of Sri Gauri Shankar Singh, Project Officer, Govindpur Colliery of M/s. Bharat Coking Coal Ltd., resident of At & P.O. & P.S. -Sonardih, District - Dhanbad, PIN - 826125 **Opposite Party/Petitioner**

Versus

Smt. Kali Kamin, W/o Gopal Bouri, Clay Cartridge Mazdoor, Govindpur Colliery, resident of Govindpur Colliery 4 No, P.O. – Katrasgarh, P.S. - Katras, District Dhanbad, PIN – 826125.

... .. **Applicant/Respondent**

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner	: Mr. Anoop Kr. Mehta, Advocate
	: Mr. Shubham Malviya, Advocate
For the Respondent	: Mr. Shubham Sinha, AC to Mr. Nipun Bakshi, Advocate

07/15.04.2026

This writ petition has been filed for the following relief:

“For quashing the judgement dated 27.2.2019 passed by Sri Virendra Kumar Tiwari, the learned Presiding Officer, Labour Court, Dhanbad in M.J. Case No.04/2012 (Annexure-7); whereby the said learned Labour Court has been pleased to allow the application filed u/s 33-C(2) of the Industrial Disputes Act, 1947 (hereinafter referred to as the I.D. Act, 1947) and has directed payment of arrears of back wages from 19.09.1983 to 30.6.2011. The learned court has further been pleased to direct the petitioner to calculate the admissible amount to be paid to the applicant and to deduct the amount already paid to the applicant in lieu of wages.”

2. The learned counsel for the petitioner submits that the learned Labour Court has directed payment of claim under section 33 -C (2) of the Industrial disputes Act with interest @ 6% per annum which is not sustainable in law.

3. The learned counsel for the parties has jointly submitted that the present case is squarely covered by the judgement passed by this Court in ***W.P.(L). No.7084 of 2019 (Chief Manager (Mining)/Project Officer, Govindpur Area of M/s Bharat Coking Coal Limited Vs. Bablu Bouri)*** decided on 30.09.2024. However, they submit that



paragraphs 20 to 26 of the said order be quoted in this case also for ready reference.

4. Paragraphs 20 to 26 of the judgement passed in W.P.(L) No. 7084 of 2019 are quoted as under for ready reference:

“20. This Court finds that the learned labour court has considered the materials with respect to the identity and has returned a finding based on the materials produced before the Court. There is no scope for re-appreciation of evidences produced before the learned labour court to come to a different finding in writ proceedings in absence of any perversity. Accordingly, the argument of the petitioner that the respondent was unable to prove her identity does not call for any interference as the said finding is based on appreciation of materials placed on record.

21. So far as the computation of the amount is concerned, the operative portion of the award although does not give the exact quantum but it indicates that the applicant would be entitled for the back wages as claimed in the annexures to the claim petition.

22. This Court finds that admittedly the petitioner did not file their own computation and the petitioner simply denied the computation. In such circumstances, the amount of the award is a quantified award though referable to the annexures to the claim petition which contains the quantified claim. The learned court also directed to calculate the admissible amount after deducting the amount already paid although there is no evidence from the side of the petitioner regarding any amount paid to the workman.

23. So far as the award of interest is concerned, this Court finds that the same is squarely covered by the Judgment passed by this Court in W.P. (L) No. 6969/2017 decided on 19.06.2023 wherein this Court has held that the learned Labour Court/industrial tribunal has no jurisdiction to direct payment of interest over and above the quantified amount payable under section 33 (c) (2) of the Industrial Disputes Act, 1947 and the amount so computed is recoverable through certificate proceedings and in case the amount is sought to be recovered through certificate proceedings, the statutory interest, as applicable to the certificate proceedings will be payable in accordance with law. In view of the aforesaid judgement, the direction of the learned labour court to pay interest @ 6% cannot be sustained in the eyes of law and accordingly



such direction is set-aside. So far as the remaining portion of the award is concerned, the same requires no interference.

24. This writ petition is disposed of in the aforesaid terms.

25. Interim order, if any, stands vacated.

26. Pending I.A., if any, is closed.”

5. Considering the submission jointly made, this writ petition is disposed of in same terms as that of W.P.(L) No.7084 of 2019 quoted above. Consequently, the direction of the learned labour court to pay interest @ 6% cannot be sustained in the eyes of law and accordingly such direction is set-aside. So far as the remaining portion of the award is concerned, the same requires no interference.

6. Pending interlocutory application, if any, is dismissed as not pressed.

(Anubha Rawat Choudhary, J.)

Date of the order:15.04.2026

Date of uploading:16.04.2026

Saurav/-