



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.4007 of 2026

***Orissa Collieries Mazdoor
Sangha, Angul***

....

Petitioner

Represented by Adv.-
Mr. Prafulla Kumar Rath, Sr. Adv.

-versus-

Union of India & others

....

Opposite Parties

Represented by Adv.-
Mr. P.K. Parhi, DSGI
Mr. Sanjit Mohanty, Sr. Adv.
Mr. S. Routray, Adv.

CORAM:

**JUSTICE KRISHNA SHRIPAD DIXIT
JUSTICE CHITTARANJAN DASH**

**ORDER
08.04.2026**

**Order No.
07.**

A Trade Union registered under the provisions of erstwhile Indian Trade Unions Act, 1926 is knocking at the doors of the Writ Court for essentially assailing the communication dated 29.1.2026, a copy whereof avails at Annexure-1. The said communication being short & sweet is reproduced below, for ease of reference.

“This is to inform that, on the issue of the grievance raised by an operating Trade Union regarding the participation of OCMS in statutory/non-statutory, bi-partite, and tri-partite committees of MCL, owing to disposal of a high court case, matter was referred to CIL for their advice and appropriate direction.



In reply, Executive Director (HR), CIL, vide his e-mail communication dated 16.10.2025 has confirmed that "there is no legal compulsion for the inclusion of INTUC in bi-partite or tri-partite meetings of MCL. Therefore, the order of Consultant of MoC dated 11.01.2017 stands."

Further, General Secretary, OCMS was given an opportunity vide this office letter ref. no. एम.सी.एल/का.वि./औ. सं/2025/1375 dated 14.11.2025 to represent his case as to why OCMS should not be disallowed from participation in any of the statutory/non-statutory, bi-partite, and tri-partite committees of MCL. General Secretary, OCMS, vide his letter dated 21.11.2025, addressed to the General Manager (HR/MP&IR), has submitted his reply.

The above letters along with other relevant documents were referred to the Advocate General, Govt. of Odisha for opinion and the Advocate General, Odisha, vide opinion dated 19.01.2026 (copy enclosed), has stated that:

Quote

"my firm opinion is that there is no compulsion for inclusion of OCMS in bi-partite & tripartite meetings of MCL. Therefore, OCMS Union, operating in MCL can be disallowed for participation in statutory/non-statutory bi-partite and tripartite committee meetings in MCL."

Unquote

In view of the above, it is conveyed that henceforth, OCMS should be disallowed from participation in statutory/non-statutory, bi-partite, and tripartite committees in all Areas of MCL.

This is for your information and further needful action please and issues with the approval of competent authority."



2. Learned Senior Advocate Mr. Rath & Mr. Routray appearing for the Advocate on record vehemently attack the impugned communication *inter alia* on the grounds that the same suffers from the voice of non-application of mind; the relevant material that was furnished by way of reply to the show cause notice have not been adverted to; there is no application of mind by the decision maker, who has structured the impugned communication being swayed away by the opinion of Advocate General when law required himself taking the decision. They have also cited a few decisions to highlight what is meant by consideration and also the requirement of furnishing the reasons even when the decision does not partake the characteristics of a quasi-judicial one. Those decisions are as follows:

(a) ***Chairman, Life Insurance Corporation of India v. A. Masilamani***, (2013) 6 SCC 530;

(b) ***Kranti Associates Pvt. Ltd. v. Masood Ahmed Khan***, (2010) 9 SCC 496;

(c) ***Oryx Fisheries Pvt. Ltd. v. UOI***, (2010) 13 SCC 427;

(d) ***State of Orissa v. Dhaniram Luhar***, (2004) 5 SCC 568;

(e) ***Basudev Dutta v. The State of West Bengal***, 2024 INSC 940.

3. Learned Senior Advocate appearing for the Advocate on record for MCL *per contra* vehemently resists the petition controverting contentions advanced on behalf of the Petitioner. These submissions essentially related to absence of recognition of any Trade Union in the realm; the idea of collective bargaining



being given away under the new regime; the impugned communication should be viewed not as a quasi-judicial order made by a trained mind in the armchair of law but as a man in the trade; he also refutes the contention of the Petitioner that all relevant factors have not been considered in the impugned communication.

4. Learned counsel appearing for intervener-applicant seeks to say a few words on the subject matter of the *lis* and we decline to give audience to him, inasmuch as the intervener is miles away from the cause we are treating at our hands.

5. Having learned counsel appearing for the parties and have perused the petition papers, we are broadly in agreement with the submission made on behalf of the Petitioner-Trade Union that the impugned communication is not well structured; *prima facie* it reflects non-application of mind, inasmuch as it only quotes what opinion the learned Advocate General, in his letter dated 19.01.2026, had stated; a serious matter as to the right of participation in the statutory and non-statutory meetings of the organization has not been treated with due seriousness and that would constitute an error apparent on the face of the record warranting interference of this Court.

6. On our own, we would have adjudicated the validity of the impugned communication once for all keeping in view the arguable right of the petitioner for participation in the statutory and non-statutory meetings more particularly in the light of Rules 29Q and 29U of The Mines Rules 1955. However, we felt that in the fitness things, matter should be remitted to the portals of the MCL for



taking a decision *de novo* so that all contentions of the parties can be addressed by the decision maker after having wider consideration and after giving an opportunity of hearing to all the stakeholders in the matter, keeping open all contentions of the parties.

Ordered accordingly and Writ Petition is allowed; a Writ of Certiorari issues quashing the impugned communication dated 29.01.2026 at Annexure-1; matter is remitted to the portals of MCL for taking a fresh decision within an outer limit of eight weeks excluding the period of adjournments sought for by the stakeholders. All contentions are kept open. In the facts and circumstances of the case, the costs are made easy.

Web copy of order to be acted upon by all concerned.

(Krishna Shripad Dixit)
Judge

(Chittaranjan Dash)
Judge

Prasant