

18.02.2026  
Ct. No. 30  
S.L. No. 17  
SM

**WPA 2942 of 2026**  
**Eastern Coalfields Limited**  
**Versus**  
**Union of India & Ors.**

Mr. Manik Das

.....for the petitioner

Mr. Noni Gopal Chakraborty

Ms. Rama Chakraborty

.....for the Union of India/respondent no. 1

1. Affidavit-of-service filed be kept with the record.
2. The writ application has preferred challenging an **order dated 13<sup>th</sup> September, 2025 passed by the respondent no. 2 being the Deputy Chief Labour Commissioner (Central), Asansol in the said appeal being application no. PG-07/2024-E.**
3. The petitioner has also challenged an order dated 16<sup>th</sup> February, 2024 passed by the respondent no. 3 being the Assistant Labour Commissioner (Central), Raniganj in an application being no. 56/2022/ALCR.
4. It is the contention that the petitioner that a connected reference is pending before the Central Government Industrial Tribunal-cum-Labour Court, Asansol in reference no. 6 of 2022 which was initiated on 07.07.2022.
5. It is during pendency of the said reference before the tribunal that the impugned orders have been passed.
6. It is further submitted by the learned counsel for the petitioner that the impugned orders herein could

not have been passed when a reference has been pending before the learned CGIT, Asansol and as such the orders are not in accordance with law and are liable to be set aside.

**7.** The entire documents relating to the said copy of the reference has not been placed by the learned counsel for the petitioner and as such this Court is unable to ascertain as to the nature of reference. At page 33 is a letter dated 26.08.2019 issued by the petitioner company to the respondent no. 4, dismissing him from service after having been charge sheeted and a domestic enquiry being conducted stated to be in accordance with law.

**8.** It is thus, submitted that before the petitioner company could forfeit the gratuity amount of the respondent no. 4 in accordance with law, the reference was made and as such the petitioner now awaits the decision in the reference, which shall decide the respondent no. 4's entitlements.

**9.** It appears that the respondent no. 4 was charge sheeted and domestic enquiry was held for allegedly securing compassionate employment by way of impersonation, which the petitioner claims is moral turpitude and submits that as such the petitioner company is well within its power to forfeit his gratuity.

**10.** Considering all these facts, the writ application is required to be heard and pending hearing the impugned orders dated 16<sup>th</sup> February, 2024 passed by

the respondent no. 3 in the application being Application No. 56/2022/ALCR by the respondent no. 3 being the Assistant Labour Commissioner (Central), Raniganj and the order dated 13<sup>th</sup> September, 2025 passed by the respondent no. 2 being the Deputy Chief Labour Commissioner (Central), Asansol be stayed 30<sup>th</sup> April, 2026 or until further order whichever is earlier.

**11.** Matter be listed in the **Monthly List of April, 2026.**

**[Shampa Dutt (Paul). J]**