

18.09.2025
Ct. No. 30
S.L. No.17-22
Aloke

WPA 26161 of 2023
with
CAN 1 of 2023
CAN 3 of 2025
Indian National Mineworkers' Federation
(INMF) & Ors.
versus
Union of India & Ors.
with
WPA 28488 of 2023
Indian National Mineworkers' Federation
(INMF) & Ors.
versus
Union of India & Ors.
with
WPA 9002 of 2023
Indian National Mineworkers' Federation
(INMF) & Ors.
versus
Union of India & Ors.

Mr. Soumya Majumder, ld. sr. adv.
Mr. Victor Chatterjee
Mr. Barnamoy Basak

...for the petitioners

Mr. Shiv Shankar Banerjee
Mr. Abhisekh Chakraborty
Ms. Sretapa Sinha

...for the respondent

Mr. Shiv Chandra Prasad
Mr. Tirtha Pati Acharyya

... for the UOI

In re : CAN 3 of 2025

1. CAN 3 of 2025 is moved praying for directions to permit the petitioners herein to participate in the meetings more specifically the meeting to be held on 22nd September, 2025, which has been scheduled by a notice dated 12.09.2025, issued by the respondent/Coal India Ltd.

2. Vide the said notice, Coal India Limited has announced, the Sixth meeting of Standardization Committee of JBCCI-XI to be held on 22nd September, 2025.

3. It is submitted by the petitioners herein that, considering that the original writ application is still pending final adjudication and as the meeting has already been scheduled on 22nd September, 2025, which relates to deliberation on “Performance Linked Reward (PLR)” relating to bonus and other benefits for workers, of whom more than fifty thousand workers are being led by the petitioners herein, the petitioners seek permission to attend the said meeting in the larger interest of the workers.

4. Learned senior counsel appearing for the petitioners, relies upon the judgment of the Division Bench of this Court in MAT 623 of 2021 passed on 10.02.2023, wherein, in similar circumstances, the petitioner/appellant no.1 therein/federation also herein was permitted to participate in the meetings. It is further submitted by the petitioners that in spite of such directions of the Division Bench which still remain in force, the respondent Coal India Ltd. in clear defiance of such direction, has not included/invited the petitioners in the said meetings.

5. Paragraph-6, 7 and 8 of the said judgment in MAT 623 of 2021 being relevant is reproduced hereunder :

“6. Thus, when the first appellant/Federation had been representing INTUC during the period when there were no internal dispute in INTUC, we are of the view that the first appellant should be permitted to participate in the forthcoming meetings of JBCCI-XI.

This direction will, however, not impinge upon the contentions that the parties may advance before the learned writ Court.

7. In the result, the appeal is allowed and there will be direction to Coal India Limited to permit the first appellant/Federation which is an affiliate of INTUC to participate in the forthcoming meetings of the JBCCI-XI. *As observed earlier, this order is without prejudice to the rights of the parties which they may canvass in the writ petition.*

8. Furthermore, we find that there is no rival faction, which has approached this Court by filing an appropriate petition or application, which would fortify our thought process.”

6. Learned counsel appearing for the respondent/Coal India Ltd. has vehemently opposed the said prayer of the petitioners by submitting that

the petitioners did not even get an interim order when the writ application was initially moved.

7. It appears that vide the order dated 24.04.2024, the Court had refused to pass an order at an interim stage on the following observations :

*“In the aforesaid facts and circumstances, I do not find any scope for passing an interim order. **Moreover any interim order allowing the writ petitioner no. 1 to represent in the committees/sub-committees constituted for implementation of NCWA-XI will amount to passing of a final order at the interim stage.** The writ petition in view of the aforesaid can be more effectively adjudicated by affording the respondents to file an affidavit.”*

8. As such, considering the said observation of the Court, while refusing to pass an interim order the said objection of the respondent is not relevant at this stage.

9. The next contention of the learned counsel for the respondent is that CAN 1 of 2023 was filed by the petitioner praying for addition of parties, which the Court had observed, was required to be heard and affidavits were directed.

10. It is submitted by the learned senior counsel appearing for the petitioners that the CAN application being an application of the petitioners, it is their prerogative to pursue the same and it is not

for the respondent to pursue the case of the parties whom the respondent does not represent.

11. The next contention of the learned counsel for the respondent is that WPA 28981 of 2023, which had been filed with similar prayers as that in the present writ application, was disposed of finally by a Coordinate Bench by an order dated 02.04.2024.

12. On perusal of the said order, this Court finds that the learned Judge while dismissing the writ application was of the following view :

*“It is also clear from an order dated 13th October, 2023 passed on behalf of the JBCCI which is annexed at page 38 of the writ petition that out of five Central Trade Unions in Coal India Limited, four had represented. Their representatives are member of the JBCCI-XI while the representation of INTUC has been kept vacant till resolution of its factional dispute. **The factional dispute is not yet over and, as such, the petitioners cannot be permitted at this stage to be considered as the representative of INTUC in the various committees and sub-committees of JBCCI-XI.** No mandamus and or a direction of like nature can be issued in the facts of the instant case. Even a direction for considering the representations dated 3rd July, 2023 and 13th October, 2023 in view of the order dated 13th October, 2023 passed on behalf of the JBCCI-XI **will be on no consequence. It is unfortunate***

that a portion of the Coal Mineworkers supporting INTUC may not be properly represented before the JBCCI-XI or take part in an effective manner for finalization of the NCWA-XI but the same is only for the inter se factional dispute in INTUC.”

13. It is further submitted by the learned counsel for the respondent, Coal India Ltd. that at page 107A of the writ application, the Standardization Committee of JBCCI-XI has already been constituted and the petitioners are not part of the said committee and, as such, cannot be permitted to participate in the said meeting.

14. On perusal of the said document, it appears that there is a note to the said order which reads as follows :

“Note- Representation of INTUC has been kept vacant to resolution of the factional dispute. This is being issued with the approval of the competent Authority.”

15. **The said note has been taken into consideration by the Division Bench while permitting the petitioner no. 1 to participate in the meetings of the JBCCI-XI.**

16. It appears from the order dated 02.04.2024 in WPA 28981 of 2023 that the representation of INTUC has been kept vacant till the resolution of its

faction dispute. The Court was of the view that as the factional dispute was not yet over, the petitioners (who were only two in numbers) could not be considered as the representative of INTUC. The Court expressed regret that a portion of the Coal Mineworkers supporting INTUC would not be properly represented before the JBCCI-XI or take part in an effective manner for finalization of NCWA-XI and the same is only for inter se faction dispute in INTUC.

17. Though, the observations of the Coordinate Bench is as above, it appears from the order dated 10.02.2023 of the Division Bench in MAT 623 of 2021 at paragraph 8 that no rival faction had approached the Court for similar relief.

18. The Division Bench in paragraph 6 has categorically observed that the 1st appellant/writ petitioner/federation (also the writ petitioner no. 1 herein) has represented INTUC during the period when there were no internal dispute in INTUC and thus permitted the appellant/writ petitioner herein to participate in **forthcoming meetings of JBCCI-XI**. The position remains the same till date and similarly no rival faction has approached this Court with any application for similar reliefs.

19. It is further seen at paragraph 6 of the judgment of the Division Bench that the Court was pleased to permit the appellant/the writ petitioner

no. 1 being the petitioner in CAN 3 of 2025 herein,
to **participate in the forthcoming meetings of JBCCI-XI.**

20. In view of the said direction of the Division Bench, Coal India Ltd. was lawfully bound to issue a notice to the petitioner no. 1/federation herein to participate in the meeting to be held on 22.09.2025. Such non-compliance is prima facie violation of the order of the Division Bench dated 10.02.2023 in MAT 623 of 2021, in force till date.

21. Accordingly, in view of the order of the Division Bench, the writ petitioner no. 1 is to be permitted to participate in the **meetings of JBCCI-XI** and the same is to be complied with by the respondent, Coal India Ltd., till disposal of the writ application.

22. Keeping with the order by the Division Bench which is still in force, the application being CAN 3 of 2025 is considered and allowed.

23. The writ petitioner no. 1/federation is permitted to participate in the Sixth meeting of Standardization Committee of JBCCI-XI to be held on 22nd September, 2025 as per notice of Coal India Limited dated 12.09.2025.

24. Let the matter appear in the monthly list of December, 2025.

25. CAN 2 of 2024 being an application with prayer similar to the ones in the writ petition, shall be heard along with the writ application.

26. Parties to act on the basis of the server copy of this order duly downloaded from the official website of this Court.

[Shampa Dutt (Paul). J]