

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

IA 3/2005 in

Petition(s) for Special Leave to Appeal (Civil) No(s).14751/2004

(From the judgment and order dated 30/06/2003 in LPA No. 620/2001
of The HIGH COURT OF JHARKHAND AT RANCHI)

MGMT.,SUDAMDIH COAL WASHERY OF M/S BCCL

Petitioner(s)

VERSUS

THANDI MAHATAIN & ORS.

Respondent(s)

(For directions and office report)

Date: 19/02/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. Ajit Kumar Sinha,Adv.

For Respondent(s) Mr. Santosh Mishra, Adv.

Mr. Shiv Mangal Sharma, Adv.

Ms. Sharmila Upadhyay,Adv.

UPON hearing counsel the Court made the following

O R D E R

While disposing of special leave petition No. 14751 of 2004, this Court on November 22, 2004 passed the following order :

"We see no reason to interfere with the decision passed by the Division Bench of the High Court. The special leave petition is dismissed.

The procedure set up by the Presiding Officer of the Labour Court for the purpose of identification/certification of the

workmen provides that the concerned workmen must file (i) a verification certificate from the sponsoring union, (ii) verification report regarding his/her identity from the concerned B.D.O. or Circle Officer alongwith his/her photograph and (iii) verification report from the Secretary of Kamgar Shramik Sahayog Samiti. In addition to the aforesaid, we also direct the Collector, Dhanbad District, to file a verification report as a pre-condition to the payment of the amounts as directed by the Labour Court. The entire exercise to be carried out within period of six months from date."

From the above order, it is clear that

identification/certification of the workmen was necessary. One of

the directions to Collector, Dhanbad was to file 'verification report' as a pre-condition to the payment of the amounts as directed by the Labour Court.

It was contended on behalf of the employer that the Collector had not submitted 'verification report' as a pre-condition as directed by this Court. In view of the above assertion and since nothing was placed so far the Collector is concerned, this Court on August 11, 2006 passed the following order :

"It appears that an order was passed on 22nd November, 2004 regarding the procedure to be followed for identification of employees. A direction was also issued to the Collector, Dhandbad District to file a 'verification report' as a condition precedent. Let this report be sent directly to the Registry of this Court within a period of three weeks from today."

Pursuant to the above orders, a communication was sent to this Court on August 28, 2006 alongwith the report. The report refers to a letter dated July 20, 2005 was referred to. The said letter, inter alia recites that District Magistrate, Purulia had enclosed reports of the concerned B.D.O's which speak for themselves.

In our opinion, what was ordered by this Court was that the Collector should file 'verification report' as a pre-

condition to the payment of amounts. In view of the said order,
in our opinion, the exercise was required to be undertaken by
the Collector. Since, it was not done, let the matter go back to the
Collector Dhanbad so as to verify and pass an appropriate order
in the light of the observations made by this Court. Earlier report
is not accepted. Let the Management also be given an
opportunity of hearing so that the matter comes to an end finally.
Such an exercise be undertaken as expeditiously as possible,
preferably within a period of four months.

I.A. No. 3 is, thus disposed of.

[Charanjeet Kaur]
Court Master

[Vinod Kulvi]
Court Master