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ITEM NO.8

COURT NO.12

SECTION XV

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

Petition(s) for Special Leave to Appeal (Civil) No(s).33509/2011

(From the judgement and order dated 17/06/2011 in LPA No.447/2009 of the  
HIGH COURT OF JHARKHAND AT RANCHI)

OSHIAR PRASAD

Petitioner(s)

VERSUS

EMP.IN REL.TO MGT.OF S.C.WASHERY, JHARKHAND

Respondent(s)

(With appln(s) for impleadment and with prayer for interim relief and  
office report) (FOR FINAL DISPOSAL)

Date: 08/01/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. R.S. Bhatt,Sr.Adv.  
Mr. S.K. Sinha,Adv.  
Ms. Seema Kashyap,Adv.

For Applicants  
in I.A. No.2/2012: Mr. Sajith. P.,Adv.

For Respondent(s) Mr. Anupam Lal Das,Adv.  
Mr. Anirudh Singh,Adv.  
Mr. Atrabhan Singh,Adv.  
Mr. Dipesh Sinha,Adv.

UPON hearing counsel the Court made the following  
O R D E R

Heard the learned counsel for the parties at length.  
I.A. No.2/2012:

It is pointed out by the learned counsel for the applicants  
that Reference Case No.75 of 1995 was registered on the basis of the  
order issued by the Government of India, Ministry of Labour,  
Industrial Disputes. The reference was as under:

"Whether the action of the management of Sudamdih Coal  
Washery of M/s. Bharat Coking Coal Ltd., P.O. Sudamdih,  
District Dhanbad are justified in not absorbing Ainul Haque  
and 150 others (as in the list annexed) as their regular  
employees? If not, to what relief are the said workmen  
entitled?"

The Labour Court vide its Award dated 21.12.1998, passed in  
the aforementioned Reference Case, rejected the claim of the  
applicants-workmen. The Award of the Labour Court was challenged  
before the High Court by the petitioner in the SLP (C) No.33509/2011,  
in a representative capacity. Therefore, the impugned judgemnt passed

by the High Court covers the petitioner as well as the applicants of I.A. No.2/2012. However, inadvertently, the special leave petition has been filed only by the petitioner. Since the judgment to be rendered by this Court in the aforesaid special leave petition would be equally applicable to the present applicants, a prayer is, therefore, made to permit the applicants to be impleaded in the aforesaid special leave petition as Petitioner Nos.2 to 151.

We have pointed out to the learned counsel appearing for the applicants that the application for impleadment is beyond limitation period. Learned counsel for the applicants, therefore, made an oral prayer seeking condonation of delay in filing the application for impleadment. In the interest of justice, we deem it appropriate to condone the delay and allow the application for impleadment.

In the facts and circumstances of this case, we have asked Mr. Anupam Lal Das, learned counsel for the respondent to seek instructions as to whether some sort of a solution can be found for ameliorating the sufferings of the petitioners-workmen, either through absorption or through monetary assistance.

Mr. Das submits that if the petitioners supply complete details of the workmen together with the documents, the same will be forwarded to the respondent for verification and to take an informed decision on the request made by the Court.

Let necessary information be supplied to Mr. Das within a period of 14 days from today. Mr. Das will forward the same to the respondent and the decision will be taken within a period of six weeks from the date of supply of the documents.

List this matter after eight weeks.

(A.S. BISHT)  
COURT MASTER

(INDU BALA KAPUR)  
COURT MASTER