

ITEM NO.21

COURT NO.5

SECTION XVII

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 35154/2024

(Arising out of impugned judgment and order dated 21-08-2023 in LPA No. 419/2022 passed by the High Court of Jharkhand at Ranchi)

CENTRAL COALFIELDS LIMITED

Petitioner(s)

VERSUS

THEIR WORKMEN, REPRESENTED
THROUGH SECRETARY RASHTRIYA
MAJDOOR SANGH

Respondent(s)

(IA No.207616/2024-CONDONATION OF DELAY IN FILING, IA No.207617/2024-EXEMPTION FROM FILING O.T. and IA No.207620/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 20-09-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE S.V.N. BHATTIFor Petitioner(s) Mr. Tushar Mehta, Solicitor General
Mr. Uddyam Mukherjee, AOR
Mr. Swapnil Pattanayak, Adv.
Mr. Agnibha Chatterjee, Adv.
Ms. Rajeshwari Shankar, Adv.
Mr. Alankar Gupta, Adv.

For Respondent(s)

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

Delay condoned.

2. Heard Mr. Tushar Mehta, Learned Solicitor General of India.
3. The primary submission of the counsel is that the direction given in favour of the coal mine workers is on the basis of unfair comparison made of two different groups of workers. To explain further, the counsel submits that the concerned workmen opted to work as category one laborer for which *time-rated wages* are

payable. But the impugned direction is to pay them *piece-rated wages*. It is submitted that only the most productive mine workers opt for *piece-rated wages* as they are more capable and production and the others usually opt for *time-rated work*. But here, the Tribunal and the Courts have practically treated both categories on equal footing and ordered for parity benefit.

4. It is further submitted that no identification is made amongst the concerned workmen as to who is in the category of *time-rated workmen* and who is in the *piece-rated workmen*.

5. Furthermore, the settlement that was relied upon by the Tribunal to grant relief to the respondents was for a group of workmen who agreed to the request of the management to be converted from *piece-rated* to *time-rated wages*.

6. Issue notice, returnable in four weeks.

7. In the meantime, the Tribunal's Award dated 26.02.2009 pertaining to the differential wages and special *piece-rated* allowance is stayed.

(GEETA JOSHI)
SENIOR PERSONAL ASSISTANT

(KAMLESH RAWAT)
ASSISTANT REGISTRAR