

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (L) No. 718 of 2015

Employers in relation to the management of Kusunda Area of M/s. Bharat Coking Coal Limited, P.O. Kusunda, P.S. Kendua, District Dhanbad through Sri Arun Kumar Singh, S/o Sri B.P. Singh, General Manager, Kusunda area, resident of Gm Bunglow, P.O.-Kusunda, P.S. Kenduadih, District Dhanbad **Petitioner**

Versus

Their Workman being represented by Sri H.P. Gond, S/o not known to the petitioner, Dy. President Dhanbad Colliery Karmchari Sangh, Angarpathra Colliery, Angarpathra bael Dhowra, P.O. and P.S. Katras, District-Dhanbad Working President, Koyla Ispat Mazdoor Panchayat at Chatabad No. 5, P.O. Katrasgarh, P.S. Katras, District-Dhanbad **Respondent**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. Anoop Kumar Mehta, Advocate
: Mr. Pratyush, Advocate
For the Respondent : Mr. Kalyan Banerjee, Advocate

09/14.10.2024

Heard the learned counsel for the parties.

2. This writ petition has been filed challenging the Award dated 10.06.2014 passed by the Central Government Industrial Tribunal No. 1, Dhanbad in Ref. Case No. 30 of 2010 (Annexure-4) whereby the learned Tribunal had answered the Reference in favour of the respondent workman by holding that the respondent workman was wrongly superannuated on 01.04.2006 and therefore she be reinstated in her job and as she had opted for VRS, her VRS be accepted and in her place her son be taken into employment.

3. The learned counsel appearing on behalf of the petitioner has submitted that the impugned award is ex-facie perverse. He has submitted that the direction to accept VRS and direction to give employment to her son is beyond the terms of Reference. This is over and above the fact that the learned Tribunal has not discussed any of the evidences led by the respective parties. He has also submitted that the records have been already received from the concerned Tribunal which reveal that the evidences were led by both the parties including oral and documentary evidences.

4. The learned counsel appearing on behalf of the respondent workman does not dispute that the evidences have not been discussed however he submits that the award cannot be said to be beyond the terms of reference.

5. After hearing the learned counsel for the parties and considering the facts and circumstances of this case and upon going through the impugned Award this court finds that there is no discussion of the oral evidences of the parties before the learned Tribunal and a few documents have been just referred in the impugned Award. The records received from the Tribunal concerned reveal that there were a number of exhibits and the oral evidence was also led by the parties. This court finds that the impugned Award is a cryptic Award and the materials before the learned Tribunal have not been discussed and accordingly the same cannot be sustained in the eyes of law.

6. Accordingly, the impugned Award is hereby set aside on the aforesaid aspect of the matter and the case is remitted back to the concerned Industrial Tribunal for passing fresh Award after taking into consideration the materials already on record.

7. The parties are directed to appear before the Central Government Industrial Tribunal No. 1, Dhanbad, on **11.11.2024 at 11 A.M.** Since the Reference is of the year 2010, it is observed that the learned Industrial Tribunal shall make all endeavour to decide the reference as early as possible. The parties to co-operate.

8. This writ petition is disposed of in the aforesaid terms.

(Anubha Rawat Choudhary, J.)

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