

**(2011) 11 JH CK 0018**  
**In the Jharkhand High Court**  
**Case No : Writ Petition (L) No. 1213 of 2011**

Jai Nath Mahato and Another

APPELLANT

Vs

Central Coalfields Ltd. and Others

RESPONDENT

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**Date of Decision :** 17-11-2011

**Acts Referred:**

**Citation :** (2012) 1 JCR 286

**Hon'ble Judges :** Poonam Srivastava, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## Judgement

Poonam Srivastava, J.—Heard counsel for the petitioners as well as Counsel appearing on behalf of the Central Coalfields Limited & OtheRs.

2. The prayer in the instant writ petition is for quashing the order dated 5th May, 2008 (Annexure-6 to the writ petition) passed by the Registrar General, Jharkhand High Court, Ranchi pursuant to a direction of the Apex Court deciding the two claim of the petitioners as the erstwhile workmen of the Central Coalfields Limited.

3. It is asserted that the coalfield was taken over by the Central Government and out of 125 workmen. 74 were absorbed by the Government. This order was upheld by the High Court and also by the Apex Court. A duty was cast on the Registrar General to identify 74 workmen and do the needful.

4. The claim of the petitioners is that petitioner Jainath Mahto whose name figured at Sl. No. 64 of the award, no parentage was mentioned but while considering the case of the said workman Jainath the Registrar General decided the case of one Jainath S/o Bifan, this was quite a different person and not Jainath Mahto S/o Pandit Mahto, who is the petitioner. It is also stated that a finding is recorded by the Registrar General that none of the four persons, who had appeared before him were the actual "Jainath" and therefore, he declined to identify him as workman, who was working previously with the Colliery. The

findings recorded at paragraph 165 regarding petitioner-Bishwambar, it is asserted by the Registrar General that at Sl. No. 63 of the award, the name of Bishwambar is shown but the Father's name is not mentioned in the written statement filed by the Union before the Presiding Officer, Central Government Industrial Tribunal, Dhanbad however address given is as Bhurkunda Colliery, Hazaribagh.

5. I have perused the findings and the reasoning of the Registrar General while arriving at a conclusion and declining to identify the two petitioners as the workmen, who used to work with the Colliery. In the case of the second petitioner, four persons had come forward with different addresses and learned counsel appearing on behalf of petitioner has addressed that out of the four, Bishwambar who had appeared before the Registrar General. The present petitioner No. 2 was only from Hazaribagh and therefore the Registrar General was liable to consider his case.

6. I have perused the findings and the material on which the Registrar General placed reliance. The cross-examination of Bishwambar taken in consideration. It is clearly averred in the findings that no document was available to prove that he had worked in the Colliery and further to support the fact that he had worked in the intervening period from the year 1971. At that relevant time, the age of the petitioner No. 2 was evidently 15 years and he was a minor. Besides he completely denied to have any knowledge regarding Union which was run by Mohan Pathak. Admittedly, the case was fought by Mohan Pathak on behalf of workmen as a General Secretary of Koyla Mazdoor Sabha. A number of reasons have been pointed out by the learned counsel appearing on behalf of petitioners and therefore the prayer is that the matter may be remanded before the Registrar General for a fresh decision.

7. I have also heard learned counsel appearing on behalf of the respondents, who has pointed out certain parts of the counter- affidavits to demonstrate that in fact the two petitioners were not the actual persons, who had worked and claimed themselves as person amongst the 125 workmen of the Colliery before it was taken over by the Government. The Registrar General rightly rejected their claim and refused identify as erstwhile workmen of the Colliery.

8. Having taken into consideration the argument and all the documents supplied as well as the facts and circumstances, I am of the considered view that the factual grounds raised in the writ petition cannot be decided and this Court cannot enter in the realm of appraisal of evidence or to assess a wrong appraisal of evidence. I have also noticed that there is not a single document to substantiate that either of the two petitioners had ever worked in the Colliery when it was not taken over by the Government. Not even a pay slip has been produced to substantiate their claim.

9. In view of these circumstances, I am not inclined to interfere in the writ petition and grant the relief claimed.

10. In my opinion, there is no merit and accordingly stands dismissed.