IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 511 of 2024
With
I.A. No. 9575 of 2026
With
I.A. No. 15981 of 2026

1. Rajesh Tiwary, aged about 39 years, son of Sahdeo Tiwary, resident of New Murli Nagar BCCL Town Ship, Koylanagar, P.O.:-Dhanbad, P.S.:-Steel Gate, Dist:- Dhanbad, Jharkhand.
2. Goutam Kr. Beed, aged about 46 years, son of Late Gurupada Beed, resident of Krishna Nagar, Near CMRI Gate No. 2, P.O: CMRI, Barwa Road, P.S +Dist: Dhanbad - 826001, Jharkhand.
3. Shant Mandal, aged about 47 years, son of Lt. Moti Mondal, resident of Dhaiya (Dumdum Basti), P.O: ISM, P.S+ Dist: Dhanbad 826004.
4. Mukul Choudhary, aged about 52 years, son of Hiralal Choudhury, resident of Krishna Nagar, New Bishunpur, Near 6 CIMFR Gate No. 2, Barwa Road, P.O: CMRI, Barwa Road, P.S +Dist: Dhanbad 826001, Jharkhand.
5. Ritesh Kr. Das, aged about 43 years, son of Shri Surendra Nath Das, resident of C/O: Surendra Nath Das, Police Line, Maira Para, PO: CMRI, Barwa Road, P.S +Dist: Dhanbad -826001.
6. Jain Kumar Rajak, aged about 45 years, son of Mishri Rajak, resident of C/o: Shri Mishri Rajak, Housing Colony, LIG Plot No. 355, Bartand, PO: CMRI, Barwa Road, P.S +Dist: Dhanbad 826001, Jharkhand.
7. Ram Dayal Ojha, aged about 40 years, son of Sudama Ojha, resident of CIMFR Colony, Barwa Road, P.O: CMRI, Barwa Road, P.S +Dist:Dhanbad 826015, Jharkhand.
8. Manish Kumar, aged about 43 years, son of Lt. Baban Sharma, resident of Vill: Mallick Basti, Ranibandh (Near Rani Bandh More), PO: ISM - 826004, P.S +Dist: Dhanbad, Jharkhand.
9. Basudeb Mukherjee, aged about 43 years, son of Lt. Subhash Mukherjee, resident of Near CMRI Gate No. 2, P.O: CMRI, P.S + Dist: Dhanbad 826015, Jharkhand.
10. Bhikhu Mandal, aged about 40 years, son of Shakti Pado Mandal, resident of Vill: Dhaiya (Dumduma Basti), PO: ISM, P.S + Dist: Dhanbad 826004, Jharkhand.
11. Md. Shahjahan, aged about 43 years, son of Md. Yusuf, resident of Vill: Kudar, P.O: Dhargulli, P.S: Bagodar, Dist: Giridih, Jharkhand-825322.
12. Bharat Kumar, aged about 47 years, son of Lt. Sri Pati Jha, resident of S/o: Lt. Shripati Jha, Vigyan Vihar Colony, P.O: Nagnagar, P.S: Barwadda, Dist: Dhanbad - 826004.
13. Sanjay Mandal, aged about 41 years, son of Lt. Moti Mondal, resident of Dhaiya (Dumdum Basti), P.O: ISM, P.S+ Dist: Dhanbad – 826004.
14. Tapan Kumar Beed, aged about 41 years, son of Late Gurupada Beed, resident of Krishna Nagar, Near CMRI Gate No. 2, P.O: CMRI, P.S +Dist: Dhanbad 826015, Jharkhand.

….. ….. Petitioners

Versus

1. Union of India.
2. The Secretary, Ministry of Labour and Employment, Government of Jharkhand, office at Shram Shakti Bhawan, Rafi Marg, P.O.+ P.S.-New Delhi, New Delhi-110001.

3. The Secretary, Department of Scientific and Industrial Research (DSIR), Room No. 14-B, Technology Bhawan, S&T Block I, New Mehrauli Road, Block C, Qutab Institutional Area, P.S. Kishan Garh, P.O. Hauz Khass, Dist- New Delhi, Delhi 110016.
4. The Director, (CSIR) Central Institute of Mining & Fuel Research (CIMFR), Government of India, undertaking having its Head Quarter at: Barwa Road, P.O.- CMRI, P.S:- Dhanbad, District-Dhanbad, Jharkhand.
5. Controller of Administration, Director, (CSIR) Central Institute of Mining & Fuel Research (CIMFR), Government of India, undertaking having its Head Quarter at: Barwa Road, P.O.-CMRI, P.S:- Dhanbad, District- Dhanbad, Jharkhand.
6. M/s Shiva Protection Force Private Ltd, 3rd floor R.C Sahu Complex, Main Road Hinoo, P.O.:- Doranda, P.S:- Doranda, Ranchi, Jharkhand, 834002.

….. ….. Respondents.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Petitioners	:	Ms Khalida Haya Rashmi, Advocate Mr Ayush Kumar, Advocate
For the Resp.Nos. 1 to 2	:	Mr Abhijeet Kumar Singh, CGC Ms Raj Lakshmi Sharma, Advocate
For Resp. Nos. 3 to 5	:	Mr Abhay Prakash, Advocate

---

06 /Dated: 18.11.2026

1. Heard Ms Khalida Haya Rashmi, learned counsel for the petitioners, Mr Abhay Prakash, learned counsel for respondent Nos. 3 to 5, and Ms Raj Lakshmi Sharma, learned counsel for the respondent Nos. 1 and 2.

2. This petition seeks quashing of the tender floated on 14.07.2023 by respondents 3 to 5 along with certain other reliefs set out in paragraph 1 of the writ petition.

3. The petitioners and some others, claiming to have worked with respondents 3 to 5 for the last 25 to 30 years on a contractual basis, have raised a dispute and sought regularisation of their services. This dispute was referred by the Central Government to the Central Government Industrial Tribunal (CGIT), Dhanbad-1 and the same bears Reference Case No. 89 of 2006.

4. The petitioners contend that their service conditions were sought to be unilaterally altered by respondents 3 to 5 without even bothering to secure permission under Section 33 of the Industrial Disputes Act, 1947 by floating a tender, which might have the effect of discontinuance of the workmen's contractual engagement, thereby altering the status quo to their detriment.

5. The Coordinate Bench of this Court, after hearing the learned counsel for the parties, issued a detailed interim order on 21.01.2025 restraining respondents 3 to 5 from proceeding with the tender or inviting fresh tenders for engaging workers on an outsourcing basis, or from disengaging the petitioners, until further orders.

6. The contents of the Coordinate Bench's order dated 21.01.2025 are transcribed below for the convenience of reference: -

> "*1. Notice to respondents.*
>
> *2. Mr. Abhijeet Kr. Singh, learned CGC accepts notice for the respondents 1 and 2.*
>
> *3. Mr. Abhay Prakash, learned counsel accepts notice for the respondents 3 to 5.*
>
> *4. Heard the counsel for the petitioners, counsel for Union of India- respondents 1 and 2 and counsel for respondents 3 to 5.*
>
> *5. This writ petition has been filed bringing out certain very disturbing facts about the manner of employing manpower in the Central Institute of Mining and Fuel Research, Dhanbad, said to be functioning under the Department of Scientific and Industrial Research (3rd respondent).*
>
> *6. The writ petition highlights the facts that though the said Institute is said to be a pioneer Research and Development Institute in the field of Mining and Fuel Technology, and a constituent laboratory of the CSIR, Government of India, New Delhi, it is employing manpower through a process of tendering, periodically for about an year, causing disengagement of the services of the persons employed at the end of the tenure of the contract, oblivious*

of the Constitutional mandate to create permanent positions for the persons necessary to be employed therein, such as the petitioners.

7. The Supreme Court of India in The Secretary, State of Karnataka and others. V. Umadevi (3) and others 2006 (4) SCC 1, has highlighted the necessity of State as well as the instrumentalities of State resorting to the regular processes of recruitment or appointment so that the principles enshrined in the Constitution under Articles 14 and 16 are applied and followed scrupulously. In Paragraph 26 of the said judgment the Court has held that it is the duty of the Courts to insist on the State making regular and proper recruitments and that the Courts are bound not to encourage or shut its eyes to the persistent transgression of the rules of regular recruitment.

8. The engagement of the petitioners through contractors, in the instant case, as can be seen from paragraph 9, seems to go back to 1995. The CIMFR is persisting in such replacement of contract employees with others periodically since then which is impermissible.

9. It is also not in dispute that a Reference was made to the Central Government Industrial Tribunal No. 1, Dhanbad to decide as to whether the demand of certain employees for regularization in the establishment of the said Institute is legal and justified and if so, to what relief they are entitled to, which Reference was numbered as Reference Case No. 89 of 2006 but it is stated that the said dispute still pending adjudication before the said Tribunal because of lack of Presiding Officer.

10. In the meantime, the respondents are merrily resorting to issuance of tenders and appointing people through the Contractors like the 6th respondent, every year in blatant violation of the principles enshrined in the Constitution and also the judgment in Umadevi, referred to (supra).

11. Curiously, the stand of the 1st respondent is that because there is no directive from the said Industrial Tribunal not to float a fresh tender for hiring of outsource manpower through Contractors,

they are justified in continuing with this process. Such a stand cannot be countenanced.

12. It is also sought to be defended by the respondents stating that the petitioners are outsource workers and there is no employer and employee relationship between the Institute and them.

13. Prima-facie, this sort of action on the part of the respondents is in the nature of "unfair labour practice" amounting to exploiting the persons engaged through Contractors by denying them the benefit of the rule of reservation, medical benefits, regular pay scales, leave, pension and other benefits.

14. This Court cannot be blind to such a gross infraction of the Constitution by the respondents and permit the respondents to continue to indulge in this sort of deviant behaviour.

15. Therefore, pending further orders, no fresh tender for engaging workers on outsourcing basis shall be issued by respondents 3 to 5 and the services of the petitioners shall not be disengaged by them, until further orders.

16. List on 15.04.2025."

7. The respondents 3 to 5 have filed I.A. No. 9575 of 2026 for recall of the above-referred interim order dated 21.01.2025, contending that the 3rd to 5th respondents have never engaged the petitioners and that it is the contractor, who was awarded the contract for supplying manpower, who has engaged the petitioners/workmen. It is submitted in the IA that, based on the above-referred interim order dated 21.01.2025, the contractor, whose contractual term has expired, insists on continuance, and respondents 3 to 5, in compliance with the directions in the interim order, are forced to extend such contractual term.

8. Mr Abhay Prakash pointed out that respondents 3 to 5 have been prevented from taking any action against the contractor, even if the contractor has committed defaults in the execution of the contract.

9. On the other hand, Ms Khalida Haya Rashmi, learned counsel for the petitioners/workmen, submitted that the above-referred interim order dated 21.01.2025 was passed not only after hearing respondents 3 to 6, but also after addressing the contention now sought to be raised in I.A. No. 9575 of 2026. She submitted that it would be extremely harsh and inequitable to dislodge the petitioners/workmen, who have rendered more than 25 years of service, particularly when their demand for regularisation is being adjudicated by the CGIT in Reference Case No. 89 of 2006, and without even seeking any permission from the CGIT as is contemplated under the law. She submitted that there are no grounds for recall or even review, and this is nothing but an attempt to re-argue the matter on interim reliefs.

10. Ms Khalida Haya Rashmi submitted that, on behalf of the petitioners/workmen, I.A. No. 15981 of 2026 has been filed to, inter alia, place on record the order dated 12.10.2026 passed by the CGIT in Reference Case No. 89 of 2006. She submitted that the proceedings in the reference case are almost concluded and the matter is posted for passing of award. However, the CGIT is not passing such an award due to the pendency of the present writ petition and an identical W.P.(C) No. 1902 of 2025 before this Court. Accordingly, she submits that the I.A. No. 15981 of 2026 be allowed and directions be issued to the CGIT to pass the award notwithstanding the pendency of these petitions.

11. In the alternative, Ms Khalida Haya Rashmi, the learned counsel for the petitioners/workmen, submitted that this petition could be disposed of by continuing the interim order dated 21.01.2025 for some reasonable period or making it final, within which period, the CGIT could be directed to pass its award in Reference Case No. 89 of 2006.

12. The rival contentions now fall for our determination.

13. At the outset, we clarify that the pendency of this petition, or W.P.(C) 1902 of 2025, cannot be a ground to disable the CGIT from passing its award in Reference Case No. 89 of 2006.

14. However, the CGIT has made an order on 12.10.2026 (Annexure-B to I.A. No. 15981 of 2026) holding that it would not be appropriate to pass an award given the pendency of the two writ petitions before this Court.

15. The CGIT's order dated 12.10.2026 is transcribed below for the convenience of reference: -

> "*This case is fixed for passing award. On perusal of the entire case record it transpires that this case is related to the regularization of Sri Bishwanath Bhowmik and 168 others in the establishment of Central Mining Research Institute, Dhanbad but during the pendency of this reference case it further transpires that the concerned workman had approached the Hon'ble Jharkhand High Court in W.P.(C) No. 511/2024 and W.P.(C) No. 1902/2025 respectively when there was no P.O. in CGIT No.1, Dhanbad and the Hon'ble Court have also been pleased to pass interim order in favour of the concerned workmen and the next date of hearing appears to have been fixed in both these writ petitions in the month of November 2026 and as the parties as well as the issue involved are just the same, this Tribunal is of the opinion that this is not appropriate for this Tribunal to pass any Award in the above circumstances.*
>
> *Put up this case on 01.12.2026."*

16. Though we appreciate the CGIT's concern, we are satisfied that the pendency of these petitions would not in any manner disentitle or disable the CGIT from making its award in Reference Case No. 89 of 2006. Accordingly, we direct the CGIT to proceed with making such an award as expeditiously

as possible and, in any event, within three months from the date of any of the parties filing an authenticated copy of this order before the CGIT. Such award must be made on merits, uninfluenced by any of the prima facie observations in the above-referred interim order dated 21.01.2025 or this order.

17. Besides, we propose to dispose of these petitions by directing the respondents 3 to 6 to maintain the status quo as prevailing today, given this Court's above-referred interim order dated 21.01.2025, until the CGIT makes its award in Reference Case No. 89 of 2006 and for a period of a further four weeks from the date of its communication to the parties. This breather is granted so that, if any parties are aggrieved by the CGIT's award, they would be able to challenge it before a competent court of law and secure appropriate interim relief.

18. In support of the above direction, we note that there is prima facie evidence that the petitioners/workmen have been working for more than two and a half decades. The issue of regularisation or non-regularisation of their services is writ large before the CGIT, which will decide it in accordance with law and on its own merits. However, at this stage, it would be quite harsh, inequitable and prima facie unlawful to allow respondents 3 to 6 to alter the present position without even seeking leave under Section 33 of the Industrial Disputes Act.

19. I.A. No. 9575 of 2026, filed by respondents 3 to 5, though styled as an application for recall, is in fact a review petition. No grounds for either a recall or a review have been made out. The arguments now advanced or the grounds now taken in this IA were duly considered by the Coordinate Bench when making the interim order dated 21.01.2025. Accordingly, we see no merit in I.A. No. 9575 of 2026 and consequently dismiss it.

20. Even otherwise, now that the Tribunal has stated that Reference Case No. 89 of 2006 is fixed only for the passing of the award, we do not think that respondents 3 to 6 should be allowed to alter the status quo until the award is made and for a reasonable period thereafter. Besides, by this order, we have directed the CGIT to pass its award expeditiously and, in any event, within 3 months. Therefore, there would be no substantial prejudice to respondents 3 to 5, compared with the prejudice that would fall on the petitioners/workmen if they were permitted to be disengaged after having put in over two and a half decades of service, possibly on a contractual basis with respondents 3 to 5. This is yet another reason to dismiss I.A. No. 9575 of 2025. A case is therefore made out to dispose of this petition by finalising the interim order made by the Coordinate Bench on 21.01.2025.

21. Accordingly, we dispose of W.P.(C) No. 511 of 2024 by issuing the following directions: -

(a) The CGIT, Dhanbad-I is directed to dispose of Reference Case No. 89 of 2006 by passing an award in accordance with law and on its own merits, as expeditiously as possible, and in any event within three months from the date any of the parties files an authenticated copy of this judgment and order before it.

(b) In disposing of Reference Case no. 89 of 2006, the CGIT need not be influenced by the prima facie observations made either in this order or in the interim order dated 21.01.2025 by the Coordinate Bench. The reference case will have to be disposed of on its own merits and in accordance with law.

(c) The prevailing status quo must be continued by the respondents 3 to 6 until the CGIT disposes of Reference Case No.89 of 2006 and for

a period of four weeks thereafter from the date of its communication to the parties. This means that during this period, respondents 3 to 5 shall not invite any fresh tenders for engaging workers on an outsourcing basis, and respondents 3 to 6 shall not disengage the services of the petitioners or workmen.

22. I.A. 9575 of 2026 is dismissed and I.A. No. 15981 of 2026 stands disposed of in terms of the above directions.

23. There shall be no order as to costs.

24. All concerned to act on an authenticated copy of this order.

(M.S. Sonak, C.J.)

(Manoj Prasad, J.)

November 18, 2026
R.Kr.
NAFR
Uploaded on 23.11.2026