IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 575 of 2025

Binod Kumar Jha, aged about 68 years, son of Late Srinarayan Jha, Resident of Rajapura Colliery, P.O. & P.S. Rajapura (Kumardhubi), District Dhanbad, Jharkhand

... ... **Appellants**

Versus

1. The State of Jharkhand.
2. The Eastern Coalfields Limited through its Chairman-cum-Managing Director, having its office at Sanctoria, P.O. & P.S. Sanctoria, District Burdwan, West Bengal.
3. The Director (Personnel), Eastern Coalfields Limited, having its office at Sanctoria, P.O. & P.S. Sanctoria, District Burdwan, West Bengal.
4. The General Manager, Rajapura Colliery of Eastern Coalfields Limited, having its office at Rajapura Colliery, P.O. & P.S. Rajapura (Kumardhubi), District Dhanbad, Jharkhand.

… … ... Respondents

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

For the Appellants : Mr Diwakar Upadhyay, Advocate
For the State : Mr Shahbaj Akhtar, AC to AAG-III
For the Resp. Nos. 2 to 4 : Mr Rajesh Lala, Advocate

Order No.04/ Dated: 27.10.2026
***Per* M.S. Sonak, C.J.**

1. Heard the learned counsel for the parties.

2. I.A. No.12367 of 2025 for condonation of delay is allowed with consent now that some agreement has been reached between the contesting parties, i.e. the appellant and the ECL.

3. On 17.08.2026, after hearing the learned counsel for the parties, we made the following order:

> *"1. Heard learned counsel for the parties.*
> *2. Mr. Rajesh Lala, learned counsel for the respondent-ECL, seeks some time to obtain instructions as to whether arrears of salary for the period between 31.12.2012 to 31.08.2017 would be paid to the appellant after adjusting pensionary benefits already availed of by the appellant.*
> *3. Accordingly, we post this matter for further consideration on 07.09.2026 under the heading "Orders".*
> *4. Leave is also granted to the appellant to file supplementary affidavit in support of the application seeking condonation of delay.*
> *5. Such affidavit must be filed and served on or before 01.09.2026."*

4. Further, on 07.09.2026, again after hearing the learned counsel for the parties and because the instructions conveyed to us were not quite clear, we made the following order:

> *"1. By our order dated 17.08.2026 we had granted Mr. Rajesh Lala, the learned counsel for the respondent-ECL sometime to obtain instruction on whether arrears of salary for the period from 31.12.2012 to 31.08.2017 would be paid to the appellant after adjusting the pensionary benefit already availed of by the appellant.*
> *2. Today, Mr Lala, on specific instruction from Mr Vijay Kumar, Manager (HR) of Mugma Area of Eastern Coal Filed Limited submits that Coal Mines Provident Fund Organisation should be made a party to this proceeding because they would be in a position to clearly state the extent of any pensionary benefit already availed of by the appellant.*
> *3. At this stage, we do not see the necessity of impleading the CMPFO as a party to this proceeding.*
> *4. The learned counsel for the ECL was granted time only to obtain instructions on whether the respondent-ECL is agreeable for payment of salary for the above referred period after adjusting the pensionary benefits already received by the appellant.*

5. Apparently, Mr Vijay Kumar, Manager (HR) has not bothered to give the learned counsel any instructions on this aspect.

6. We are sorry to say that no clear instructions are forthcoming in this matter and therefore, we were eager to proceed with the hearing of the appeal today itself. Mr Lala, however, states that he will make another attempt and requests for the matter to be kept on 14.09.2026.

7. Accordingly, we list this matter on 14th September 2026. The matter to retain its position.

8. If the same position regarding the instructions continues, on next date we will consider disposing of this appeal finally at the admission stage."

5. Today, Mr Rajesh Lala learned counsel for the ECL, on instructions, made a statement that ECL is agreeable to pay the appellant's wages for the period from 31.12.2012 to 31.08.2017 upon adjusting the pensionary benefits already paid to the appellant for the said period. On instructions, he further submitted that such payment could be made to the appellant upon the appellant vacating the company quarter which the appellant is presently occupying.

6. Mr Upadhyay, on instructions, states that the appellant will vacate the residential quarter on or before 30.11.2026. This statement is accepted as an undertaking on behalf of the appellant.

7. Now, on behalf of the ECL, it was also submitted that the ECL should be allowed to adjust the penal rent from the wages it has agreed to pay to the appellant for the period from 31.12.2012 to 31.08.2017. Since there is a bona fide dispute between the parties, we do not think that it would be appropriate to charge any penal rent to the appellant. However, the appellant cannot avoid paying normal

rent from 01.09.2017 until the date he vacates and hands over peaceful possession of the company quarter to the ECL on or before 30.11.2026. The ECL, in the peculiar circumstances of this case, also agrees to this.

8. However, if despite the undertaking now given, the appellant fails to hand over the company quarter to the ECL on or before 30.11.2026, the appellant will be liable for penal rent which the ECL can deduct/adjust from the wages it has now agreed and undertaken to pay for the period between 31.12.2012 and 31.08.2017. This is without prejudice to ECL's right to seek the appellant's eviction.

9. Since there should be no further uncertainties on either side, we direct the ECL to deposit the wages for the period from 31.12.2012 to 31.08.2017 after adjusting the pensionary benefits already availed by the appellant during the said period and the normal rent payable by the appellant for the period from 01.09.2017 till 30.11.2026 in this Court within four weeks from today. Such deposit should be made by issuing a demand draft in the name of the learned Registrar General of this Court.

10. Upon the appellant vacating the company quarter and handing over peaceful possession to the ECL, the appellant is granted liberty to file an application to withdraw the amount deposited by the ECL. A copy of such application must be furnished to the ECL, and proof of vacation of the quarter must also be enclosed along with such application.

11. Now that wages for the period from 31.12.2012 to 31.08.2017 are being paid to the appellant, the appellant must revise his pension by accounting for the amount. The ECL and the CMPF Office, Asansol must take the necessary steps to determine this revised pension and ensure that the appellant is paid the same, along with differential arrears, if any, within four months from today.

12. This appeal is disposed of without any order as to costs in terms of the agreement reached between the contesting parties, as reflected above. We appreciate the efforts of the learned counsel for the contesting parties in assisting the parties to resolve their disputes amicably.

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

(Manoj Prasad, J.)

October 27th, 2026
BS/Madhav/-