IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (L) No. 3498 of 2024

Bharat Coking Coal Limited having its office at Koyla Bhawan, Koyla Nagar, PO and PS Koyla Nagar through its Project Officer, Mahuda Grp. Of Mines, WJ Area, BCCL namely Deepak Kumar Aged about 56 Years son of Late Nibaran Chandra Kumar Residing at A-26, SHILPA KANAN PHASE-II, Durgapur (m. Corp.), Barddhaman, Bidhan Nagar, West Bengal, 713212 **… … Petitioner**

Versus

Sri Uday Narain Singh son of Shri Krishna Singh aged about 64 years resident of Vill-Odar, Sonhan, Kaimur PO & PS Kaimur Dist- Bhabhua, Bihar (821108) currently residing at Quarter No. 186 Lohapatti Colliery, WJ Area, BCCL, P.O. and P.S. Moondih, District Dhanbad (828129)

… … Respondent

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Ms. Swati Shalini, Advocate
: Mr. Kanishka Deo, Advocate
For the Opp. Party : Mr. Ajay Kumar Singh, Advocate

14/17th September 2026

1. Heard the learned counsel appearing on behalf of the parties.

2. This writ petition has been filed against the order dated 23.01.2024 ***(Annexure-7)*** passed by the Deputy Chief Labour Commissioner (Central) Dhanbad-cum-Appellate Authority under the Payment of Gratuity Act, whereby the appellate authority has dismissed the appeal and upheld the order of the controlling authority dated 14/15.06.2023 directing the petitioner-Company to pay gratuity amount to Rs. 11,86,016/- along with simple interest of 7.1% from 09.07.2021 till the actual date of payment.

3. ***The only point argued by the learned counsel for the petitioner*** is that the controlling authority did not consider that the respondent was occupying the company's accommodation quarter no. 186 at Lohapatti Colliery, although this point was raised before the authority. So far as the appellate authority is concerned, this point has been considered, but the

point has been rejected in view of the fact that no document, as such, was produced to show that the respondent was in illegal occupation of any quarter.

4. The learned counsel has referred to the records received from the concerned authority and has referred to the document at page 10, which is dated 02.08.2023, to submit that not only quarter no. 186, but also quarter no. 187 was under the occupation of the respondent and therefore the petitioner is entitled to deduct the rent and penal rent with respect to such quarters and appropriate order to such deduction be made by this Court.

5. The learned counsel has also submitted that in the judgment passed by the Hon'ble Supreme Court decided on 18.03.2026 in ***Civil Appeal Nos. 3499-3500 of 2026 arising out of SLP (Civil) Nos. 25516-25517 of 2024 and analogous cases***, it has been held that the reciprocal obligations are discharged simultaneously, that is, the payment of gratuity by the management and the handing over of vacant possession to the management by the Ex-Employees or their legal heirs.

6. The learned counsel submits that in view of the aforesaid circumstances, the respondent should hand over the vacant possession of the aforesaid two quarters and after adjustment of rent and penal rent, the balance can be paid to the respondent.

7. During the course of hearing, it transpired that the gratuity amount has already been deposited before the appellate court and the same has been released in favor of the respondent.

8. ***The learned counsel for the respondent***, while opposing the prayer, has submitted that at no point of time, the respondent was allocated any quarter at Lohapatti Colliery and the required no due certificates were already produced before the authority with respect to Murlidih Colliery.

9. The learned counsel has further submitted that the document referred to by the learned counsel for the petitioner at page no. 10 is dated 02.08.2023, which is subsequent to the order passed by the Controlling

Authority on 14.06.2023. Otherwise also, in the said document even the parentage and other details of the allottee has not been mentioned. Further, the allotment letter with respect to the quarters has not been produced by the petitioner at any stage and even before this Court. Since the quarters is not in occupation of the respondent, there is no impediment on the part of the petitioner to go and occupy the said quarters.

10. ***After hearing the learned counsel for the parties***, there is no doubt in view of the judgment passed by the Hon'ble Supreme Court, as relied upon by the learned counsel for the petitioner, that reciprocal obligations are to be discharged simultaneously, that is, the payment of gratuity by the management on one hand and handing over of vacant possession to the management by the Ex-Employees or their legal heirs on the other hand.

11. This Court finds that when the matter was pending before the controlling authority, the petitioner had raised an objection that the respondent was occupying only one quarter i.e. quarter no. 186. However, there was no such discussion to the effect with regard to rent or penal rent etc. and as to whether the respondent was actually occupying the said property. The case was decided by the controlling authority on 14.06.2023.

12. Thereafter, the appeal was filed again reiterating that the respondent was occupying the quarter, but the appellate authority has recorded a clear finding that the management has failed to submit the copy of quarter allotment order in respect of the respondent to substantiate their stand and that the management has also failed to file any documentary evidence/correspondence showing that they have initiated any steps to vacate the company's quarter, if the management has allotted him any company's quarter.

13. It appears that no material was produced before the authority with respect to allotment of quarter to the respondent. Further, the document dated 02.08.2023, as referred to by the learned counsel for the petitioner, is after the passing of the order by the controlling authority and the said

document mentions that one Uday Narain Singh is in possession of quarter no. 186, which was found locked and he was also in possession of quarter no. 187, which is in dilapidated condition.

14. This Court finds that the said document has been subsequently prepared and has not been brought on record even before the appellate authority. Otherwise also, the respondent is completely denying the possession of quarter no. 186 and quarter no. 187.

15. It is also important to note that before the controlling authority, the petitioner had taken a stand that the respondent was in possession of quarter no. 186 only, but in this document, another quarter i.e. quarter no. 187 has also been added, which remained unexplained during the course of hearing.

16. The undisputed fact is that the allotment letter with respect to the said quarter has not been produced by the management.

17. In such circumstances, this Court finds no reason to interfere with the orders passed by the controlling authority or the appellate authority directing the management to pay the gratuity amount with interest.

18. Accordingly, this writ petition is hereby ***dismissed***.

19. Pending interlocutory application, if any, is closed.

(Anubha Rawat Choudhary, J.)

Dated: 17.09.2026
Uploaded On: 19.09.2026
Mukul/-