IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 499 of 2020

Birbal Bharti, aged about 55 years, Son of Baban Bharti, Resident of South Railway Colony, P.O. & P.S.:-Chutia, Dist.-Ranchi, At present, Resident of Dipatoli, Near Lala Lajpat Rai School, Pundag, P.O.-Pundag, Dist.-Ranchi (Jharkhand)

.... Petitioner

Versus

1. The State of Jharkhand through Shyam Sunder Pathak, Labour Superintendent, Ranchi, having its office at:-Doranda, Shram Bhawan, P.O. & P.S.-Doranda, Dist.-Ranchi (Jharkhand)
2. Prasanna Kumar Thakur, the Principal, Lala Lajpat Rai Senior Secondary School, having its Office at: "Lajpat Bhawan" Near Over Bridge, Main Road, Ranchi, P.O. & P.S.-Chutiya, Dist. Ranchi (Jharkhand)
3. Gulshan Lal Azmani, President, Lala Lajpat Rai Senior Secondary School, having its Office at: "Lajpat Bhawan" Near Over Bridge, Main Road, Ranchi, P.O. & P.S.-Chutiya, Dist. Ranchi (Jharkhand)

.... Opposite Parties

For the Petitioner : Mr. Vishal Kumar Tiwary, Adv.
Ms. Kirti Saboo, Advocate
For the State : Mr. Gautam Rakesh, A.P.P.
For the O.P. No. 2 & 3 : Mr. Ajit Kumar, Sr. Advocate
Mr. Nipun Bakshi, Advocate
Mr. Shubham Sinha, Advocate
Mr. Mrinal Singh, Advocate

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

J UDGMENT

C.A.V. on 13.07.2026 **Pronounced on 08 /10/2026**

1. Heard the arguments of learned counsel for the petitioner and learned A.P.P. assisted by learned Sr. counsel appearing on behalf of opposite party No. 2 & 3.

2. The petitioner by way of this revision has challenged the legality, propriety and correctness of judgment dated 04.03.2020 passed in Cr. Appeal No. 321 of 2018 by the learned Addl. Judicial Commissioner-XX, Ranchi whereby and whereunder, the appeal preferred by the present petitioner has been dismissed affirmig the judgment passed by learned Trial Court (Addl. Chief Judicial

Magistrate, Ranchi) dated 17.11.2017 in Complaint Case No. 30453 of 2010 whereby the opposite parties (O.P. No. 2 and 3) were acquitted from the charge under Section 29 of the Industrial Disputes Act.

Factual Matrix:-

3. The factual matrix giving rise to this revision is that a cognizance of reference case No. 4 of 2002 was taken by the Presiding Officer, Labour Court, Ranchi between management of M/s. Lala Lajpat Rai Senior Secondary School, Pundag, Ranchi and their workmen represented by the President, Ranchi District Shops and Sansthan Kamgar Union, Ranchi on 10.07.2002. After thorough enquiry and examining the relevant documents and witnesses examined by both the parties, the Presiding Officer, Labour Court, Ranchi finally made an award in favour of the present petitioner on 17.07.2009 whereby the dismissal order passed by the Management against the petitioner was set aside and the petitioner was held entitled to be reinstated with 50% back wages because he was not employed gainfully as per pleading and evidence on record. It was further alleged that since the aforesaid award was not complied with by the accused/opposite parties, then, His Excellency, the Governor of Jharkhand has considered the report of Deputy Labour Commissioner, Ranchi and ordered Shri Shyam Sunder Pathak, Labour Superintendent, Ranchi to file a complaint in this regard before the Chief Judicial

Magistrate, Ranchi which was registered as Complaint Case No. 30453 of 2010.

4. On the basis of prosecution report, the learned C.J.M. Ranchi took cognizance of the offence under Section 29 of the Industrial Disputes Act, 1947 against the accused persons. The said complaint case was thoroughly tried and disposed of by the learned Chief Judicial Magistrate, Ranchi dismissing the complaint vide judgment dated 17.11.2017.
5. The appeal preferred by the petitioner was also dismissed as stated above.
6. On the strength of award passed in Reference Case No. 04 of 2002 by the Presiding Officer, Labour Court, Ranchi, the petitioner was reinstated in service on 13.03.2013 after lapse of more than three years of the award and after institution of complaint case.

Submissions on behalf of petitioner: -

7. Learned counsel for the petitioner has strenuously argued that the opposite party Nos. 2 and 3 have committed offence under Section 29 of the I.D. Act and liable to be convicted and sentenced but the learned trial Court as well as appellate Court have failed to properly appreciate that in spite of specific direction in the award passed in the aforesaid Reference case by the Presiding Officer, Labour Court, Ranchi to pay the back wages of the petitioner, simply Rs. 10,000/- has been alleged to be given by the Management to the

petitioner (victim) for the period of suspension as per C.B.S.E. Norms and rest amount was never calculated and paid to the petitioner who was working in the capacity of driver. Therefore, the opposite parties have violated not only the order passed in reference case but also rules and regulations of C.B.S.E. Board and without furnishing the calculation chart about the arrears of the petitioner have whimsically paid an amount of Rs. 2,95,136/- through D.D. dated 30.05.2016 in compliance of the order of Labour Court including therein the 50% back wages from 1st August, 2000 up to the date of the reinstatement i.e. 13.03.2013. It is further stated that in spite of demand of calculation chart by the learned Trial Court, the same was not submitted. It is further submitted that both the Courts below have failed to appreciate properly the award passed by the Labour Court, Ranchi as well as failed to call for relevant records i.e. the service book of the petitioner and proper calculation of back wages of the petitioner and it was wrongly concluded that entire payment has been made to the petitioner by the concerned employer. It is further submitted that the petitioner is entitled to Rs. 13,64,700/- which has been calculated by the victim and also submitted in the Courts below but this was not also verified by asking the parties for adducing proper evidence and the impugned judgment was passed in haste. Therefore, impugned judgment passed by the learned Trial Court as well as

appellate Court is fit to be set aside and the matter may be remitted to the Court below for *de novo* trial.

Submissions on behalf of the State as well as Opp. Party Nos. 2 & 3:-

8. On the other hand, learned APP assisted by learned counsel appearing on behalf of O.P. No. 2 and 3 controverting the aforesaid contentions raised on behalf of the petitioner has submitted that the petitioner was under suspension from 21.02.2000 to 31.07.2000 and was finally dismissed from the service from 01.08.2000. The Department of Labour, Employment and Training, Government of Jharkhand issued notification dated 30.05.2002 whereby the following terms of reference were sent to the Labour Court, Ranchi:-

> *"Whether the dismissal of Shri Birbal Bharti, Driver, Lala Lajpat Rai, Senior Secondary School, Railway Crossing, Overbridge, Ranchi since 05.08.2000 is justified and legal. If not, what relief he is entitled to?".*

This reference was registered as Reference Case No. 04 of 2002. The reference was answered by setting aside the dismissal order and declaring that the petitioner is entitled to be reinstated in service with 50% back wages. Accordingly, the petitioner was reinstated in service and paid total Rs. 3,05,136/- out of which Rs. 10,000/- was given as Cash on the date of joining. The petitioner was also given a benefit of 6th Pay Commission from 01st July, 2013. The writ petition filed

by the petitioner vide W.P. (L) No. 5251 of 2009 was also disposed of as infructuous due to his reinstatement in service. It is therefore submitted that there are concurrent findings of the learned trial Court and appellate Court that no offence under Section 29 of the Industrial Disputes Act is attracted against the opposite parties. Moreover, the petitioner cannot claim difference of back wages if any before this Hon'ble Court exercising revisional jurisdiction. The petitioner has miserably failed to point out any illegality, impropriety or otherwise any point touching the correctness of the impugned judgments. There is no whisper that the impugned judgments of both the Courts below suffers perversity. The contentions raised on behalf of the petitioner centers around the demand of more back wages to the tune of Rs. 13 Lakhs. Therefore, this revision is not maintainable at all and devoid of merits. If the petitioner was aggrieved with the amount of back wages paid to him as per C.B.S.E. Norms by the Management of the School, he might have taken proper recourse before proper forum and no prosecution under Section 29 of the Industrial Disputes Act could not initiated. Therefore, there is no illegality or infirmity in the impugned judgment passed by the learned trial Court as well as appellate Court and fit to be dismissed.

Analysis, reasons and decision:

9. I have gone through the impugned judgments passed by the

learned Appellate Court as well as trial Court in the light of contentions raised on behalf of respective parties.

10. At the outset, the provision of Section 29 of the Industrial Disputes Act is extracted hereunder:-

> "***Section 29 of the Industrial Disputes Act, 1947:-*** *Any person who commits a breach of any term of any settlement or award, which is binding on him under this Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both, and where the breach is a continuing one, with a further fine which may extend to two hundred rupees for every day during which the breach continues after the conviction for the first and the Court trying the offence, if it fines the offender, may direct that the whole or any part of the fine realized from him shall be paid, by way of compensation, to any person who, in its opinion, has been injured by such breach."*

11. From perusal of impugned judgments, it reveals that after scrutinizing the evidence, it was observed that award passed in reference case No. 04 of 2002 dated 17.07.2009 by the learned Presiding Officer, Labour Court, Ranchi, whereby the dismissal order of the complainant was set aside and he was entitled to be reinstated with 50 % back wages since he was not employee gainfully and evidence available on record, it has also been found that P.W.-1 and P.W.-2 examined by the complainant have admitted in their evidence that Birbal Bharti (Complainant-cum-petitioner) has been reinstated in the service and his entire back wages has been paid by this School. The victim has received Rs. 2,95,136/- which was deposited in

the Court through D.D. and received by the victim and also accepted his receipt of the above amount. D.W.-1 has also proved Ext.-A Salary Bill Register which clearly shows that the victim has received the salary from the same school. Therefore, it was concluded that the victim has already been reinstated in service and also got his back wages and the issue of salary according to 5th and 6th Pay Commission is not a matter under consideration. With the aforesaid reasons, the complaint was dismissed and the learned appellate Court also recorded the same reason and dismissed the appeal filed by the present petitioner.

12. After going through the impugned judgment in the light of contentions raised on behalf of both sides, I do not find any valid reason to take a different view and differ with the concurrent findings recorded by the learned trial Court and affirmed by the learned appellate Court. Therefore, this revision appears to be devoid of merits and stands **dismissed**.

13. Pending I.A(s), if any, is also disposed of, accordingly.

14. Let a copy of this judgment be communicated to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court at Ranchi
Date:- 08/10/2026
Basant /-**NAFR**
Uploaded On: 09/10/2026