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# ANNEXURE - I

Shrotri  
Complaint  
Date  
6/11/17  
CN 4599/05  
**59**

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
(Civil Writ Jurisdiction)

W.P. (P.I.L.) NO. 66 /2017

P + A - 1 - 16  
Am - 17 - 25  
P J J J  
6/11/17

**IN THE MATTER OF :-**

An Application under  
Article-226 of the  
Constitution of India;

**A N D**

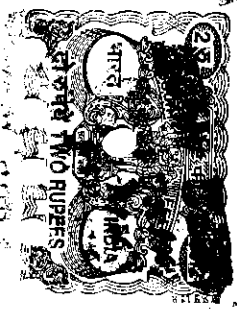
**IN THE MATTER OF :-**

Md. Sarfraz, S/o Sk. Amin, R/o Mahagama, P.O. & P.S.  
Mahagama, District Godda.

**... Petitioner**

**:-Versus:-**

1. The State of Jharkhand;
2. The Deputy Commissioner, Godda having office at P.O. & P.S. Godda, District Godda;



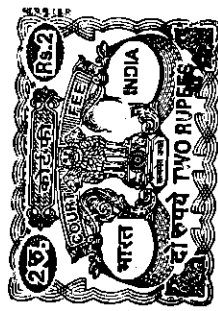
- 3. The Eastern Coalfields Limited, through its Chief General Manager, having office at Lalmatia, P.O. & P.S. Lalmatia, District Godda.
- 4. The Project Officer, Eastern Coalfield Limited, Rajmahal Project, Lalmatia, P.O. & P.S. Lalmatia, District Godda.
- 5. The Director, Mines Safety, Directorate of Mines Safety having office at Dhanbad, P.O. & P.S. Dhanbad, District Dhanbad.
- 6. The Central Beureau of Investigation, having office at Karmik Nagar, Dhanbad, P.O. & P.S. Saraidhella, District Dhanbad.
- 7. M/s Mahalaxmi represented through its Managing Director, having office at Urjanagar, Mahagama, P.O. & P.S. Mahagama, District Godda

8. Union of India, through its Secretary, Ministry of Labour & Employment, having office at Sharam Shakti Bhawan, New Delhi (110001).

**... Respondents**

Address not available  
4/12/77  
4/12/77  
4/12/77

Eastern Coalfield



61

Date of application for the copy	Date fixed for notifying the requisite number of stamps and folios	Date on which the copy requisite stamps and folios	Date on which the copy was ready for delivery	Date of making over the copy to the application
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IN THE HIGH COURT OF JHARKHAND, RANCHI

ORDER SHEET

Case No. : WP-PIL - 66 of 2017

MD SARFRAZ

.....

Petitioner

Versus

THE STATE OF JHARKHAND AND ORS

.....


Respondents

Sl. No.	Date of Order	ORDER WITH SIGNATURE	Office notes as action (if any) taken on order
01/	06.01.2017	Filed	

Put up for ORDERS

Sd/- Kumar Kamal  
Joint Registrar (List & Computer)

k.c. Mehta  
19/12/17  
08/01/18

  
03/01/18  
Compared by:

62

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P.(PIL) No. 66 of 2017

Md. Sarfraz .....Petitioner  
Versus  
The State of Jharkhand & Ors .....Respondents

.....  
**CORAM: HON'BLE THE ACTING CHIEF JUSTICE  
HON'BLE MR. JUSTICE ANANDA SEN**

For the Petitioner : Mr. Lukesh Kumar, Advocate  
For the Respondents : Mr. Anil Kumar Sinha, Sr. Advocate  
Mr. Rajesh Lala, Advocate  
Mr. Arpit Kumar, Advocate  
Mr. Arvind Kumar J.C. to G.P.II

For the Respondent No.6 : Mr. K.P.Deo, Advocate  
For the Respondent No.5: Mr. Rajiv Sinha, ASGI

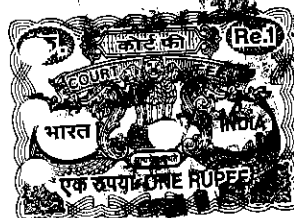
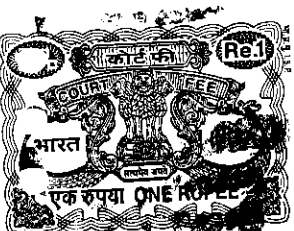
.....  
**03/Dated: 11<sup>th</sup> January, 2017**

As prayed for by the parties, put up this case tomorrow  
i.e. on 12.01.2017.

*Sd/- (Pradip Kumar Mohanty, A.C.J.)*

*Sd/- (Ananda Sen, J.)*

Amar



63

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 66 of 2017

Md. Sarfraz ... .. Petitioner  
 Versus  
 The State of Jharkhand & Ors. ... .. Respondents

CORAM: HON'BLE THE ACTING CHIEF JUSTICE  
 HON'BLE MR. JUSTICE ANANDA SEN

For the Petitioner : Mr. Lukesh Kumar, Adv.  
 For the Respondents : Mr. Anil Kumar Sinha, Sr. Adv.  
 Mr. Rajesh Lala, Adv.  
 Mr. Arpit Kumar, Adv.

For the Respondent no. 6 : Mr. K.P. Deo, Adv.  
 For the Union of India : Mr. Rajiv Sinha, A.S.G.I.

**Order No. 04 : Dated 12<sup>th</sup> January, 2017**

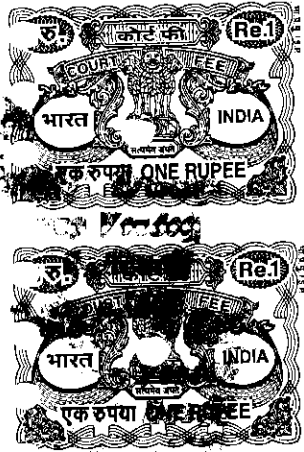
Learned counsel for the respondent- Eastern Coalfield Limited, is directed to file an affidavit mentioning therein that as to how many persons had entered into the mines, how many persons had escaped and also how many dead bodies were recovered from the mines and handover a copy of the said affidavit to Mr. Rajiv Sinha, A.S.G.I. well in advance.

Put up this case on 17<sup>th</sup> January, 2017.

Sd/- (Pradiip Kumar Mohanty, ACJ)

Sd/- (Ananda Sen, J)

MM



IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P.(PIL) No. 66 of 2017

64

Md. Sarfraz, son of Sk. Amin, resident of Mahagama, P.O. & P.S. Mahagama,  
District Godda

Petitioner.

Versus

1. The State of Jharkhand
2. The Deputy Commissioner, Godda having office at P.O. & P.S. Godda, District Godda.
3. The Eastern Coalfields Limited through its Chief General Manager, having office at Lalmatia, P.O. & P.S. Lalmatia, District Godda.
4. The Project Officer, Eastern Coalfields Limited, Rajmahal Project, Lalmatia, P.O. & P.S. Lalmatia, District Godda.
5. The Director, Mines Safety, Directorate of Mines Safety having office at Dhanbad, P.O. & P.S. Dhanbad, District Dhanbad.
6. The Central Bureau of Investigation, having office at Karmik Nagar, Dhanbad, P.O. & P.S. Saraidhella, District Dhanbad.
7. M/s Mahalaxmi represented through its Managing Director, having office at Urjanagar, Mahagama, P.O. & P.S. Mahagama, District Godda.

Respondent.

CORAM : HON'BLE MR. JUSTICE PRADIP KUMAR MOHANTY, A.C.J.  
HON'BLE MR. JUSTICE ANANDA SEN

For the Petitioner(s) : Mr. Lukesh Kumar, Advocate.  
For the ECL : Mr. Anil Kumar Sinha, Sr. Advocate,  
Mr. Rajesh Lala, Advocate.  
For Respondent no.6 : Mr. K.P. Deo, Advocate.  
For the Union of India : Mr. Rajiv Sinha, ASGI.

06/24.01.2017: A supplementary affidavit has been filed by Mr. Rajiv Sinha, ASGI on behalf of the Director of Mines Safety, (respondent no.5) today in the Court.

Office is directed to tag the same with the record of this case.

Mr. Rajiv Sinha, ASGI, seeks time to submit an enquiry report. He submits that the Director of Mines Safety will complete the enquiry by the end of February, 2017 and will submit enquiry report in a sealed cover.

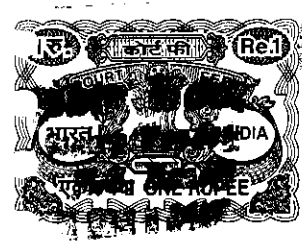
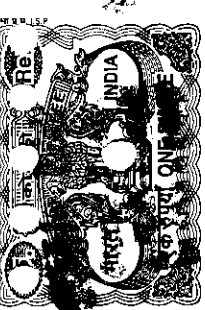
As prayed for by Mr. Rajiv Sinha, ASGI, list this case on 08.03.2017 under the same heading.

Ms Puja Kumari undertakes to file her Vakalatnama on behalf of the respondent no.7, Contractor.

This Court directs the Intervenor Mr. Jagdish Narayan Singh to supply copy of the Intervention petition to Rajiv Sinha, ASGI, and counsel appearing on behalf of the other respondents within 3 days from today.

sd/- (Pradip Kumar Mohanty, A.C.J.)

sd/- (Ananda Sen, J.)



**IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P.(PIL) No. 66 of 2017**

Md. Sarfraz ..... Petitioner.  
Versus  
The State of Jharkhand & Ors ..... Respondents

**CORAM: HON'BLE THE ACTING CHIEF JUSTICE  
HON'BLE MR. JUSTICE ANANDA SEN**

For the Petitioner(s) : Mr. Lukesh Kumar, Advocate  
For the ECL : Mr. Anil Kumar Sinha, Sr. Advocate  
Mr. Rajesh Lala, Advocate  
For the U.O.I : Mr. J.C. to A.S.G.I  
For Respondent no.7 : Mr. A.K.Das, Advocate

**07/Dated: 08<sup>th</sup> March, 2017**

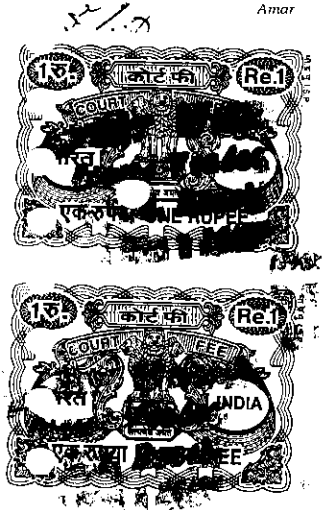
Learned J.C. to A.S.G.I submits that an enquiry has been conducted in the matter and action has been taken. He submits that the enquiry report is in a sealed cover and is with him.

This Court directs the petitioner to produce the F.I.R. lodged by the police on the next date. On the next date the enquiry report in sealed cover will also be produced.

List this case after two weeks.

*Sd/- (Pradip Kumar Mohanty, A.C.J.)*  
*Sd/- (Ananda Sen, J.)*

Amar



66

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P. (PIL) No. 66 of 2017

Md. Sarfraz ... .. Petitioner

Versus

1. The State of Jharkhand
2. The Deputy Commissioner, Godda
3. The Eastern Coalfields Limited
4. The Project Officer, Eastern Coalfields Limited, Rajmahal Project, Lalmatia, Godda
5. The Director, Mines Safety, Directorate of Mines Safety, Dhanbad
6. The Central Bureau of Investigation, Dhanbad
7. M/s Mahalaxmi, represented through its Managing Director, Urjanagar, Mahagama, Godda

... .. Respondents

CORAM: HON'BLE THE ACTING CHIEF JUSTICE  
HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Petitioner: M/s. Lukesh Kumar, Krishna Shankar, Advocates  
For the Respondents: M/s. Rajiv Sinha (A.S.G.I.), Anil Kumar Sinha (Sr. Advocate), Rajesh Lala, Amit Kumar Das, Puja Kumari, Advocates

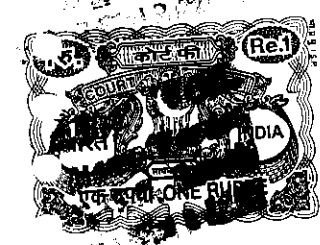
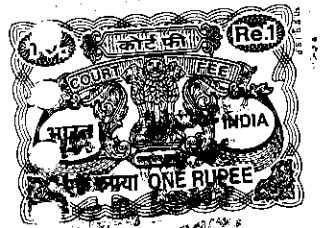
08/Dated: 30th June, 2017

Per D.N. Patel, ACJ

- 1) Counsel for respondent Nos.3 and 4 seeks time to file reply.
- 2) Counsel for the respondent No.5 has tendered report of the enquiry conducted under Section 23 of the Mines Act, 1952. The said report is in sealed cover which is take on record.
- 3) This copy of the report in two sets will be maintained as it is in the sealed cover by the Registrar General of this Court which will be handed over to the Court as and when required.
- 4) Counsel for the respondent no.5 submitted that on the basis of aforesaid report, complaint petition has already been filed before the Chief Judicial Magistrate, District – Godda, against several officers of respondent Nos.3 and 4 as well as against other persons.
- 5) Time to file an affidavit by respondent nos.3 and 4 is granted.
- 6) This matter is adjourned to be enlisted on 4th August, 2017.

*Sd/- (D.N. Patel, ACJ)*

*Sd/- (Ratnakar Bhengra, J)*





67

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P. (PIL) No. 66 of 2017

Md. Sarfraz ... .. Petitioner

Versus

The State of Jharkhand and others ... .. Respondents

CORAM: HON'BLE THE ACTING CHIEF JUSTICE  
HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Petitioner: M/s. Lukesh Kumar, Advocate  
For the Respondents: M/s. Anil Kumar Sinha (Sr. Advocate), Rajesh Lal,  
Arpit Kumar, J.C. to A.S.G.I.

09/Dated: 08th September, 2017  
Per D.N. Patel, ACJ

At the request of learned counsel for the petitioner, this matter is  
adjourned to be enlisted on 15th September, 2017.

*Sd/- (D.N. Patel, ACJ)*

*Sd/- (Ratnakar Bhengra, J)*



IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P. (PIL) No. 66 of 2017

68

Md. Sarfaraz

... Petitioner

-Versus-

The State of Jharkhand & others

... Respondents

CORAM: HON'BLE THE ACTING CHIEF JUSTICE  
HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Petitioner : Mr. Lukesh Kumar, Advocate  
For the Respondent-State : J.C. to G.P-II  
For the Respondent-UIO : J.C. to A.S.G.I.  
For the Respondent-ECL : Mr. Anil Kumar Sinha, Sr. Advocate  
Mr. Rajesh Lala, Advocate  
Mr. Arpit Kumar, Advocate  
For the Respondent-CBI : Mr. Kailash Prasad Deo, Advocate  
For Respondent No.7 : Mr. Amit Kumar Das, Advocate

10/Dated: 15<sup>th</sup> September, 2017

Oral Order

Per D.N. Patel, A.C.J.:

1. Having heard learned counsels for both the sides and looking to the facts and circumstances of the case, it appears that as per Section 24 of the Mines Act, 1952, the Central Government has power to appoint Court of Inquiry in case of accident in mine.
2. Learned counsel appearing for the Central Government is seeking time to get instruction especially for appointment of Court of Inquiry, as per Section 24 of the Mines Act, 1952.
3. Time, as prayed for, is granted.
4. The matter is adjourned on 16<sup>th</sup> October, 2017.

sd/- D. N. Patel, A.C.J.

sd/- Ratnakee Bhengra, J.

Ajay/

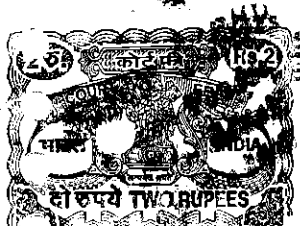
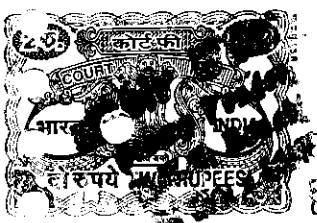
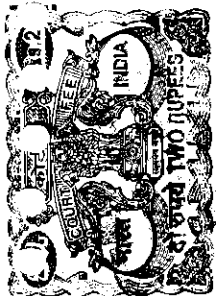
Certified to be True Copy

*Rajendra Raj*  
19.11.2018

Copying Officer  
Designed under Rule 252(II) of J.H.C. Rules  
Authorised U/S 76 Act of 1872

The 29<sup>th</sup> Pancher, 1939  
19/01/18

*[Signature]*  
19/01/18



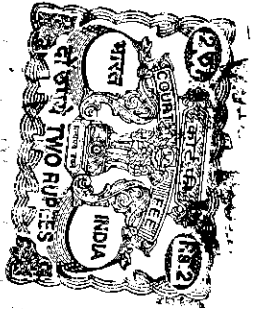
69

11/31.10.2017 At the request of  
learned counsel for the  
respondents, this matter is  
adjourned to be enlisted on  
27.11.2017.

Sd/- (D. N. Patel, A.C.J.)

Sd/- (Ratnakar Bhengra, J.)

Manoj/-



IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P. (PIL) No. 66 of 2017

70

Md. Sarfraz

... Petitioner

-Versus-

The State of Jharkhand & others

... Respondents

CORAM: HON'BLE THE ACTING CHIEF JUSTICE  
HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioner : Mr. Lukesh Kumar, Advocate  
For the Respondents : Mr. Anil Kumar Sinha, Sr. Advocate  
Mr. Rajesh Lala, Advocate  
Mr. Arpit Kumar, Advocate  
Mr. Rajiv Sinha, A.S.G.I.  
Mr. Niraj Kumar, J.C. to A.S.G.I.  
Mr. Amit Kumar Das, Advocate  
Mr. Arbind Kumar, J.C. to G.P.-II

12/Dated: 4<sup>th</sup> December, 2017

Oral Order

Per D.N. Patel, A.C.J.:

1. Learned counsel for the petitioner seeks leave to join Central Government as a party because under Section 24 of the Mines Act, 1952, the powers are vested in the Central Government.
2. Necessary party will be joined by this petitioner as respondent no.8. Necessary amendment shall be carried out by red ink in the memo of the writ petition, during course of the day.
3. Notice to the newly joined party-respondent no.8. Learned A.S.G.I. waives notice on behalf of newly joined party and he is seeking time to get instruction.
4. Time, as prayed for, is granted.
5. The matter is adjourned on 29<sup>th</sup> January, 2018.
6. Meanwhile, the State Government is directed to file status report of the investigation so far carried out by the head of the concerned police station, if not stayed so far.

Sd/- (D.N. Patel, A.C.J.)

Sd/- (Amitav K. Gupta, J.)

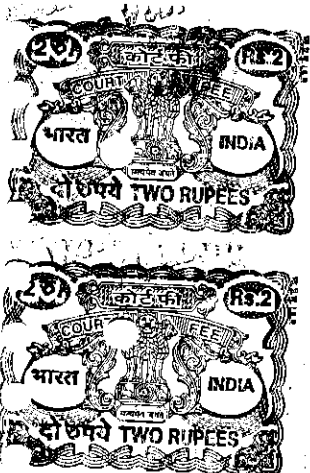
Certified to be a true copy

3.1.2018

Designed under the authority of S.O. No. 15  
Authorized by G.O. No. 1672

The 13<sup>th</sup> Pausaha, 1939  
03/01/18

03/01/18



71  
XXV

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P.(PIL) No. 66 of 2017**

Md. Sarfraz, S/o Sk. Amin, R/o Mahagama, P.O. & P.S. Mahagama, District Godda  
... .. **Petitioner**

**Versus**

1. The State of Jharkhand
2. The Deputy Commissioner, Godda having office at P.O. & P.S. Godda, District Godda.
3. The Eastern Coalfields Limited, through its Chief General Manager, having office at Lalmatia, P.O. & P.S. Lalmatia, District Godda.
4. The Project Officer, Eastern Coalfield Limited, Rajmahal Project, Lalmatia, P.O. & P.S. Lalmatia, District Godda.
5. The Director, Mines Safety, Directorate of Mines Safety having office at Dhanbad, P.O. & P.S. Dhanbad, District Dhanbad.
6. The Central Bureau of Investigation, having office at Karmik Nagar, Dhanbad, P.O. & P.S. Sarajdhela, District Dhanbad.
7. M/s. Mahalaxmi represented through its Managing Director, having office at Urjanagar, Mahagama, P.O. & P.S. Mahagama, District Godda.
8. Union of India, through its Secretary, Ministry of Labour & Employment, having office at Sharam Shakti Bhawan, New Delhi-110001.

... .. **Respondents**

**CORAM : HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE H.C. MISHRA**

For the Petitioner

For the Respondent State

For the Respondent No. 1

For the Respondent No. 5 & 8

For the Respondent No. 7

Mr. Lukesh Kumar, Advocate

Mr. B.K. Pathak, G.A.-III.

Miss Sweta Rani, A.C. to G.A.-III

Mr. Anil Kumar Sinha, Sr. Advocate

Mr. Pratyush Lalla, Advocate

Mr. Rajty Singh, ASGI

Mr. Biraj Kumar, J.C. to ASGI

Miss Pooja Kumari, Advocate

**Order No. 17 : Dated 5<sup>th</sup> April, 2019**

**Aniruddha Bose, C.J.**

This writ petition arises out of an accident which took place in Lalmatia Open Cast Mines operated by the Eastern Coalfields Limited. The accident took place on 29<sup>th</sup> December, 2016 resulting in death of at least 23 persons. In this Public Interest Litigation prayer is for speedy rescue of the persons and compensation to the families of the persons who had died in the accident.

2. So far as rescue operation is concerned, the accident took place on 29<sup>th</sup> December, 2016. Learned Senior Counsel appearing for the coal company



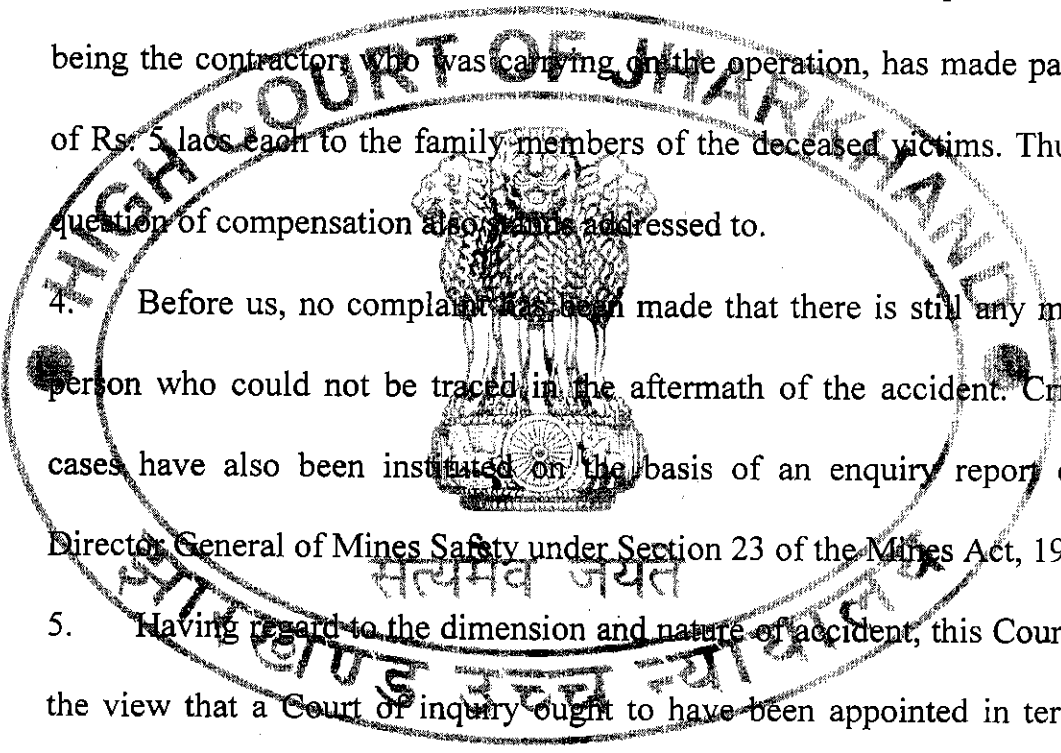
submits that the rescue operation is by and large complete and the company is in the process of completing such operation. Hence on that prayer we do not pass any order at this stage.

3. As regards the question of compensation, in the counter affidavit of respondent no. 3 affirmed on 21<sup>st</sup> August, 2017, it has been pleaded that ex-gratia compensation of Rs. 5 lacs for each deceased victim has been paid by the management of the coal company as also payment under <sup>Workmen's</sup> ~~Employee's~~ Compensation Act, 1923 has been made. Moreover, the respondent no. 7 being the contractor who was carrying on the operation, has made payment of Rs. 5 lacs each to the family members of the deceased victims. Thus, the question of compensation also stands addressed to.

4. Before us, no complaint has been made that there is still any missing person who could not be traced in the aftermath of the accident. Criminal cases have also been instituted on the basis of an enquiry report of the Director General of Mines Safety under Section 23 of the Mines Act, 1952.

5. Having regard to the dimension and nature of accident, this Court is of the view that a Court of inquiry ought to have been appointed in terms of Section 24 of the Mines Act, 1952. Learned Assistant Solicitor General of India appearing on behalf of the respondent no. 8 i.e. Secretary, Ministry of Labour and Employment, submits that since criminal cases are pending as also because this Court is in seisin of the matter, no such step has been taken.

6. We are of the opinion, however, scope for a Court of inquiry to examine the causes and circumstances attending the accident is much wider and if any further safety steps or remedial measures are required to be taken, the Court of inquiry can make recommendation in that regard. In such circumstances, Central Government should consider appointing a Court of inquiry for the purpose aforesaid as contemplated in Section 24 of the Mines



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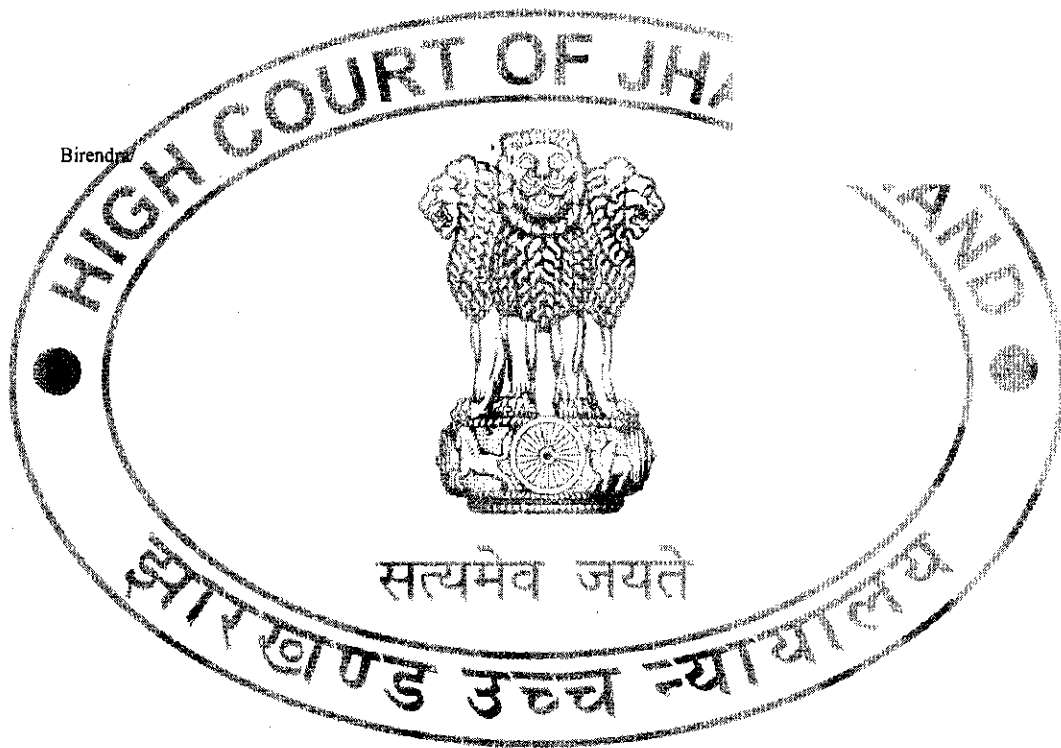
XXVII

Act, 1952. Such steps shall be taken by the Central Government preferably within a period of sixteen weeks.

7. So far as this writ petition is concerned, we do not find any reason to keep the same pending. This Public Interest Litigation shall stand disposed of.

Sd/- (Aniruddha Bose, C.J.)

Sd/- (M.C. Mishra, J.)



Certified to be True Copy

7/13-519

Copying Officer

Designed under Rule 252(II) of J.H.C. Rules  
Authorised U/S 76 Act of 1972

Feb 23<sup>rd</sup> Baishakha,

1941  
13/05/19

Mishra  
13/05/19