

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5679 of 2005

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Fatuha-Islampur Light Railway Men's Mazdoor Sangh through its President
Om Prakash S/o Late Jai Shanker Paswan, resident of village Rassalpur,
P.O. Fatuha, P.S.Fatuha, District Patna

.... Petitioner/s

Versus

1. Union of India through the Chairman, Railway Board, Ministry of Railways, Govt. of India, New Delhi
2. General Manager, East Central Railway, Hazipur
3. Divisional Railway Manager, East Central Railway, Danapur Division, Danapur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhirenra Nath Jha, Advocate
Ms. Maruti Kumari, Advocate

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 31-07-2015 Heard learned counsel for the petitioner. However, none appears on behalf of the respondents.

2. The petitioner, an Union of the workers, has filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of the Award dated 16th September, 2004 prepared in Reference Case No. 19 (C) of 2003 by the learned Presiding Officer, Industrial Tribunal, Patna, whereby claim for absorption of 55 workers, who are said to be the members of the petitioner's Union, has not been accepted.

3. From the findings recorded in the impugned award, this Court finds that neither the letter of appointment nor the letter of joining of those workers was produced before the learned Tribunal. The case of the petitioner is that those workers had worked on the post of Khalasi till the year 1985, either in Loco or Traffic Department of Fatuha-Islampur Light Railway (F.I.L.R), and they are entitled for absorption, but that has not been accepted

by the learned Tribunal in absence of cogent materials produced by the petitioner.

4. Even according to the case of the petitioner, those 55 workers were allegedly in service till 1985 only, but thereafter almost 30 years have elapsed. All the aforesaid workers might have reached the age of superannuation.

5. In above view of the matter, this Court does not find any good ground to interfere with the impugned award dated 16.09.2004. Consequently, the writ petition has to fail and is, accordingly, dismissed, but there shall be no order as to costs.

(Birendra Prasad Verma, J)

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