

IN THE HIGH COURT OF TRIPURA
AGARTALA

**W.P.(C) No.378 of 2015, W.P.(C) No.379 of
2015, W.P.(C) No.380 of 2015, W.P.(C)
No.381 of 2015 & W.P.(C) No.382 of 2015**

In W.P.(C) No.378 of 2015

Petitioner:

Sri Sadhan Kumar De,
son of late Dhirendra Chandra Dey,
resident of Bhattapukur near Nivedita
Sangha, P.O. A.D. Nagar, P.S. A.D. Nagar,
Agartala, District – West Tripura

By Advocate :

Mr. D. Saha, Advocate

- V e r s u s -

Respondents :

- 1. The Oil & Natural Gas Corporation,**
represented by its Manager (IR),
Corporate Industrial Relations
Department, O. N. G. C. (Tel Bhavan),
Dehradun
- 2. The Chief Manager (F & A) - CPF Section,**
Shed No. 4, Oil & Natural Gas
Corporation Ltd., Tel Bhavan,
Dehradun
- 3. The Asset Manager,**
Oil & Natural Gas Corporation Limited,
Tripura Asset, R & P Section,
Badharghat Complex, Agartala-799
014
- 4. The Director (Onshore),**
Oil & Natural Gas Corporation Ltd.,
Tripura Asset, Badharghat Complex,
P.O. ONGC, District: West Tripura
- 5. Sri Gopal Chandra De,**
son of late Jotish Chandra Dey,
resident of Ujan Abhoynagar, P.O.
Abhoynagar, P.S. East Agartala,
District: West Tripura

6. **Sri Dilip Deb,**
son of Bhanu Deb, resident of village-
Amtali, P.O & P.S. Amtali, District-
West Tripura
7. **Sri Brajendra Chandra Debnath,**
son of Banamali Debnath, resident of
village & P.O. Siddhi Ashram, P.S.
Amtali, District- West Tripura
8. **Sri Sankar Acharjee,**
son of Gopal Acharjee, resident of
village Chandina Mura, P.O. Madhya
Bhubanban, P.S. West Agartala,
District- West Tripura
9. **Sri Khokan Kumar Saha,**
son of Indu Bhusan Saha, resident of
village & P.O. Sekerkote, P.S. Amtali,
District: West Tripura

By Advocate :

None

In W.P.(C) No.379 of 2015

Petitioner:

Sri Sudhir Ranjan Roy,
son of Dhirendra Chandra Roy, resident of
Amtali, near Shib Bari, P.O. & P.S. Amtali,
District – West Tripura

By Advocate :

Mr. D. Saha, Advocate

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1. **The Oil & Natural Gas Corporation,**
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Corporate Industrial Relations
Department, O. N. G. C. (Tel Bhavan),
Dehradun

2. **The Chief Manager (F & A)- CPF Section,**
Shed No. 4, Oil & Natural Gas Corporation Ltd., Tel Bhavan, Dehradun
3. **The Asset Manager,**
Oil & Natural Gas Corporation Limited, Tripura Asset, R & P Section, Badharghat Complex, Agartala- 799 014
4. **The Director (Onshore),**
Oil & Natural Gas Corporation Ltd., Tripura Asset, Badharghat Complex, P.O. ONGC, District: West Tripura
5. **Sri Gopal Chandra De,**
son of late Jotish Chandra Dey, resident of Ujan Abhoynagar, P.O. Abhoynagar, P.S. East Agartala, District: West Tripura
6. **Sri Dilip Deb,**
son of Bhanu Deb, resident of village, Amtali, P.O & P.S. Amtali, District- West Tripura
7. **Sri Brajendra Chandra Debnath,**
son of Banamali Debnath, resident of village & P.O. Siddhi Ashram, P.S. Amtali, District: West Tripura
8. **Sri Sankar Acharjee,**
son of Gopal Acharjee, resident of village Chandina Mura, P.O. Madhya Bhubanban, P.S. West Agartala, District: West Tripura
9. **Sri Khokan Kumar Saha,**
son of Indu Bhusan Saha, resident of village & P.O. Sekerkote, P.S. Amtali, District: West Tripura

By Advocate :

None

In W.P.(C) No.380 of 2015

Petitioner:

Sri Malin Chowdhury,
son of late Krishna Kamal Chowdhury,
resident of Shibnagar, P.O. Gajaria, P.S.
Bishalgarh, District – Sepahijala

By Advocate :

Mr. D. Saha, Advocate

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represented by its Manager (IR),
Corporate Industrial Relations
Department, O. N. G. C. (Tel Bhavan),
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Shed No. 4, Oil & Natural Gas
Corporation Ltd., Tel Bhavan,
Dehradun
- 3. The Asset Manager,**
Oil & Natural Gas Corporation Limited,
Tripura Asset, R & P Section,
Badharghat Complex, Agartala- 799
014
- 4. The Director (Onshore),**
Oil & Natural Gas Corporation Ltd.,
Tripura Asset, Badharghat Complex,
P.O. ONGC, District: West Tripura
- 5. Sri Gopal Chandra De,**
son of late Jotish Chandra Dey,
resident of Ujan Abhoynagar, P.O.
Abhoynagar, P.S. East Agartala,
District: West Tripura
- 6. Sri Dilip Deb,**
son of Bhanu Deb, resident of village,
Amtali, P.O & P.S. Amtali, District-
West Tripura

7. **Sri Brajendra Chandra Debnath,**
son of Banamali Debnath, resident of
village & P.O. Siddhi Ashram, P.S.
Amtali, District: West Tripura
8. **Sri Sankar Acharjee,**
son of Gopal Acharjee, resident of
village Chandina Mura, P.O. Madhya
Bhubanban, P.S. West Agartala,
District: West Tripura
9. **Sri Khokan Kumar Saha,**
son of Indu Bhusan Saha, resident of
village & P.O. Sekerkote, P.S. Amtali,
District: West Tripura

By Advocate :

None

In W.P.(C) No.381 of 2015

Petitioner:

Sri Chitta Ranjan Sarkar,
son of Akhil Chandra Sarkar, resident of
village & P.O. Ishan Chandra Nagar, P.S.
Amtali, District – West Tripura

By Advocate :

Mr. D. Saha, Advocate

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represented by its Manager (IR),
Corporate Industrial Relations
Department, O. N. G. C. (Tel Bhavan),
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3. **The Asset Manager,**
Oil & Natural Gas Corporation Limited,
Tripura Asset, R & P Section,

Badharghat Complex, Agartala- 799
014

4. **The Director (Onshore),**
Oil & Natural Gas Corporation Ltd.,
Tripura Asset, Badharghat Complex,
P.O. ONGC, District: West Tripura
5. **Sri Gopal Chandra De,**
son of late Jotish Chandra Dey,
resident of Ujan Abhoynagar, P.O.
Abhoynagar, P.S. East Agartala,
District: West Tripura
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son of Bhanu Deb, resident of village,
Amtali, P.O & P.S. Amtali, District-
West Tripura
7. **Sri Brajendra Chandra Debnath,**
son of Banamali Debnath, resident of
village & P.O. Siddhi Ashram, P.S.
Amtali, District: West Tripura
8. **Sri Sankar Acharjee,**
son of Gopal Acharjee, resident of
village Chandina Mura, P.O. Madhya
Bhuban Ban, P.S. West Agartala,
District: West Tripura
9. **Sri Khokan Kumar Saha,**
son of Indu Bhusan Saha, resident of
village & P.O. Sekerkote, P.S. Amtali,
District: West Tripura

By Advocate :

None

In W.P.(C) No.382 of 2015

Petitioner:

Sri Bhusan Chandra Debnath,
son of late Madan Mohan Debnath,
resident of East Badharghat, near Roy
Colony, P.O. Siddhi Ashram, P.S. Amtali,
District – West Tripura

By Advocate :

Mr. D. Saha, Advocate

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represented by its Manager (IR),
Corporate Industrial Relations
Department, O. N. G. C. (Tel Bhavan),
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- 2. The Chief Manager (F & A)- CPF Section,**
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Corporation Ltd., Tel Bhavan,
Dehradun
- 3. The Asset Manager,**
Oil & Natural Gas Corporation Limited,
Tripura Asset, R & P Section,
Badharghat Complex, Agartala- 799
014
- 4. The Director (Onshore),**
Oil & Natural Gas Corporation Ltd.,
Tripura Asset, Badharghat Complex,
P.O. ONGC, District: West Tripura
- 5. Sri Gopal Chandra De,**
son of late Jotish Chandra Dey,
resident of Ujan Abhoynagar, P.O.
Abhoynagar, P.S. East Agartala,
District: West Tripura
- 6. Sri Dilip Deb,**
son of Bhanu Deb, resident of village,
Amtali, P.O & P.S. Amtali, District-
West Tripura
- 7. Sri Brajendra Chandra Debnath,**
son of Banamali Debnath, resident of
village & P.O. Siddhi Ashram, P.S.
Amtali, District: West Tripura
- 8. Sri Sankar Acharjee,**
son of Gopal Acharjee, resident of
village Chandina Mura, P.O. Madhya

Bhubanban, P.S. West Agartala,
District: West Tripura

9. **Sri Khokan Kumar Saha,**
son of Indu Bhusan Saha, resident of
village & P.O. Sekerkote, P.S. Amtali,
District: West Tripura

By Advocate :

None

**BEFORE
THE HON’BLE MR. JUSTICE S. TALAPATRA**

Date of delivery of Judgment & Order : **18.09.2015**

Whether fit for reporting :

Yes	No
	✓

JUDGMENT & ORDER

Heard Mr. D. Saha, learned counsel appearing for the petitioners.

[2] All these writ petitions are clustered together for disposal by a common judgment since an identical question of law has been involved in these writ petitions being W.P.(C) No.378 of 2015, W.P.(C) No.379 of 2015, W.P.(C) No.380 of 2015, W.P.(C) No.381 of 2015 and W.P.(C) No.382 of 2015.

[3] The petitioners have candidly admitted that they had approached this Court earlier by filing a writ petition being W.P.(C) No.449 of 2014 which was disposed of by the judgment

and order dated 06.02.2015 directing the ONGC-respondents as under:

"16. The petitioners prayed for regularization in Group-D posts and so, their prayer to quash Annexure-P/9, the advertisement, is without any merit. The prayer of the petitioners for their absorption as a regular employee also cannot be directed by this Court in the writ petition since they were engaged casually and not against any sanctioned post. If any future vacancy arises in Group-D services of ONGC, the regularization of the petitioners should be taken into consideration on priority basis since they have already acquired requisite qualification. They are working for last 25/26 years without break and so, the respondents should take initiative, pursuant to their promise, for regularizing them in case of any future vacancy arises in Group-D posts."

[4] Being aggrieved by that judgment and order, the ONGC-respondents filed a writ appeal being W.A. No.09 of 2015 which was dismissed by the judgment and order dated 09.04.2015 by a Division Bench of this Court observing *inter-alia* that:

"5. The purpose of *Uma Devi's* case was to ensure that people who have come in through the back door are not regularized only on the ground that they have remained in service for more than 10 years. At the same time *Uma Devi's* judgment cannot be used by the employers that too employers who are State within the meaning of Article 12 of the Constitution to discriminate against such employees, not pay them adequate wages and not even considered them for regularization though they have served the employer more than 25 years. The State and Public Sector Undertakings(PSUs) are expected to be model employers. Even assuming that the original writ petitioners were not employed after following a proper procedure then also why should poor employees at the lowest grade suffer. The appellant ONGC has apparently not taken any action against their senior officials who provided employment to these employees against the rules. The employees are lowly paid employees working at the bottom of the ladder and we are of the considered view that

the learned single Judge was fully justified in issuing the directions.”

[5] In the present writ petition, the similar grounds which were adopted in W.P.(C) No.449 of 2014 and have adopted in view of the Advertisement No.02 of 2015, Annexure-6 to the writ petitions. Having regard to the averments and the records placed with the writ petitions, this Court is of the firm view that these writ petitions are hit by the principles of *res-judicata* inasmuch as there is no issue to adjudicate afresh in these writ petitions, in view of the judgment and order dated 06.02.2015 delivered in W.P.(C) No.449 of 2014 where all these petitioners as well as the respondents were the parties. The emerging issues in these writ petitions all are determined by the judgment and order dated 06.02.2015. Accordingly, these writ petitions stands dismissed.

However, before parting with the records, the ONGC-respondents are reminded to act according to the directions given in the judgment and order dated 06.02.2015 delivered in W.P.(C) No.449 of 2014 by a learned Single Judge of this Court and affirmed by the judgment and order dated 09.04.2015 delivered in W.A. No.09 of 2015 by a Division of this Court. Any breach or non-compliance thereof would be viewed seriously.

JUDGE

Sujay