

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4249 of 2016

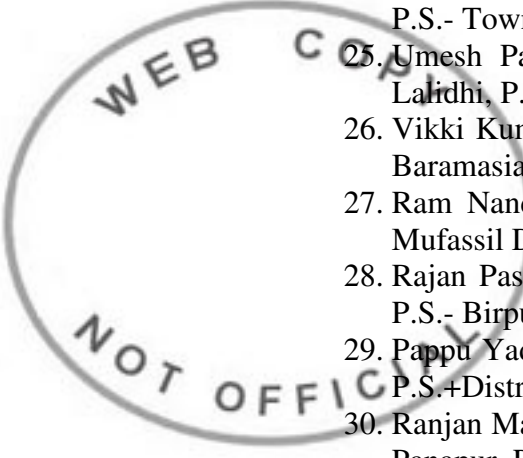
Along with

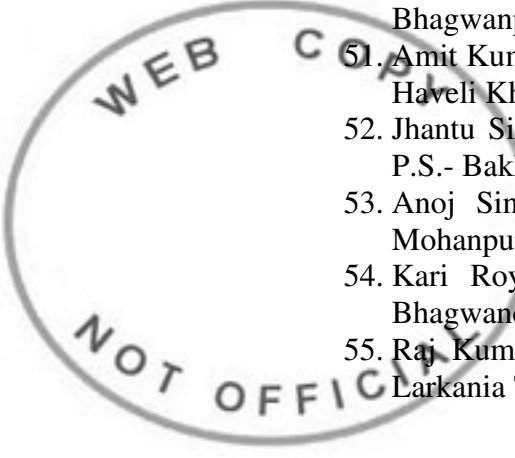
Interlocutory Application No.2929 of 2016

And

Interlocutory Application No.2930 of 2016

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1. Bund Lal Paswan, Son of Bisho Paswan Resident of Village- Bhawanandpur, P.O.- Panapur, P.S.- Birpur, District- Begusarai.
 2. Sri Sunil Kumar Verma, Supervisor, Son of Late Vishnu Prasad, Resident of Village- Mangal Bazar Chiri Patti, Katihar.
 3. Shashi Bhushan Kumar, Son of Binod Kumar Maharadhar, Resident of Village- Mehnidhar Lal Kothi Road, District- Katihar.
 4. Anil Paswan, Son of Balu Paswan, Resident of Village- Vidyapati, P.O. Mohadi Nager, District- Samastipur.
 5. Uday Paswan, Son of Jitan Paswan, Resident of Village- Laliahi, P.S.- Muffasil, District- Katihar.
 6. Praveen Kumar, Son of Prithvi Raj, Resident of Village- Phulamalik, P.S.- Sahebpur Kamal, District- Begusarai.
 7. Dinesh Kumar Bhagat @ Dinesh Bhagat, Son of Sales Bhagat, Resident of Village- Indra Nagar, P.S.- Town, District- Katihar.
 8. Uday Rai, Son of Lakhan Rai, Resident of Village- Mushari, P.S.- Teghra, District- Begusarai.
 9. Suman Rai, Son of Dev Narain Rai, Mohanpur, P.S.- Bakhari Bazar, District- Begusarai.
 10. Jitendra Rai, Son of Late Ragho Rai, at Mushahari, P.S.- Teghra, District- Begusarai.
 11. Ram Vilash Rai, Son of Narain Rai, Resident of Village- Bhawanandpur, P.S.- Birpur, District- Begusarai.
 12. Neppo Rai, Son of Turant Rai, Resident of Village- Amarapur, P.S.- Chakia, District- Begusarai.
 13. Madho Sahani, Son of Suresh Sahani, Resident of Village- Mahna Sahpur, P.S.- Manihari, District- Katihar.
 14. Arun Mahto, Son of Fulen Mahto, Resident of Village- Bhawanandpur, P.S.- Manihari, District- Katihar.
 15. Prabhash Kumar Singh, Son of Kamal Kishore Singh, Resident of Village- Mohanpur, P.S.- Bakhari, District- Begusarai.
 16. Bimal Rai @ Bimal Singh, Son of Ram Vilas Rai, Resident of Village- Mohanpur, P.S.- Bakhari, District- Begusarai.
 17. Ganesh Paswan, Son of Late Nand Lal Paswan, Resident of Village- Dirbari, P.S.- District- Katihar.
 18. Rajesh Rai, Son of Shri Satya Narain Rai, Resident of Village- Barahpur Chandan Godha, P.S.- Mokama, District- Patna.
 19. Anand Kumar Chandravanshi @ Anand Chandravanshi, Son of Natho Chandravanshi, Resident of Village- Laliahi, P.S.- District- Katihar.
 20. Guddu Rai, Son of Shankar Rai, Resident of Village- Railway New Colony, P.S.- Town, District- Katihar.
 21. Akhilesh Singh, Son of Kamal Kishore Singh, Resident of Village- Mohanpur, P.S.- Bakhari, District- Begusarai.
 22. Raja Ram Singh @ Raja Ram, Son of Ram Udgar Singh, Resident of Village- Chitragupta Nagar, Rokharia, District- Begusarai.

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23. Pankaj Singh, Son of Ram Pratap Singh, Resident of Village- Mohanpur, P.S.- Bakhari, District- Begusarai.
 24. Sunny Kumar Rai, Son of Late Kedar Rai, Resident of Village- P&T Chowk, P.S.- Town, District- Katihar.
 25. Umesh Paswan, Son of Hari Lal Paswan, Resident of Village- O.T. Para Lalidhi, P.S.- Muffasil, District- Katihar.
 26. Vikki Kumar Sah, Son of Ghanshyam Sah, Resident of Village- Budhuchowk, Baramasia, P.S.+District- Katihar.
 27. Ram Nandan Singh, Son of Amir Singh, Resident of Village- Lokho, P.S.- Mufassil District- Begusarai.
 28. Rajan Paswan, Son of Upendra Paswan, Resident of Village- Bhagwandpur, P.S.- Birpur, District- Begusarai.
 29. Pappu Yadav, Son of Sripati Yadav, Resident of Village- Hawai Adda Chowk, P.S.+District- Katihar.
 30. Ranjan Mahto, Son of Binod Mahto, Resident of Village- Bhawanandpur, P.O.- Panapur, P.S.- Birpur, District- Begusarai.
 31. Pankaj Rai, Son of Prabhu Rai, Resident of Village- Bhawanandpur, P.O.- Panapur, P.S.- Birpur, District- Begusarai.
 32. Manohar Sahani, Son of Ram Ratan Sahani, Resident of Village- Moferganj Gorla Tola, P.O.+District- Katihar.
 33. Surendra Ray @ Surendra, Son of Ram Swarth Rai @ Suwendra, Resident of Village- Bhawanandpur, P.O.- Panapur, P.S.- Birpur, District- Begusarai.
 34. Banti Yadav, Son of Sripati Yadav, Resident of Village- Hawai Adda, P.S.+District- Katihar.
 35. Chandan Paswan, Son of Ram Chandra Paswan, Resident of Village- Bhawanandpur, P.S.- Birpur, District- Begusarai.
 36. Sanjay Rai, Son of Ram Baran Rai, Resident of Village- Mokama, P.S.- Hathidah, District- Patna.
 37. Navin Kumar Singh, Son of Srikant Singh, Resident of Village- Fuldoman, P.S.- Falka, District- Katihar.
 38. Akash Paswan, Son of Ramchandra Paswan, Resident of Village- Laliahi, P.S.- Town, District- Katihar.
 39. Vikash Singh, Son of Pradeep Singh, Resident of Village- Mathurapur, P.S.+District- Khagaria.
 40. Dindayal Choudhary, Son of Nebi Chaudhary, Resident of Village- Durgapur Laliahi, P.S.- Muffasil, District- Katihar.
 41. Vinod Rai @ Binodi Rai, Son of Ratneshwar Rai, Resident of Village- Larkania Tola, P.S.+District- Katihar.
 42. Khushidil Singh, Son of Mahendar Singh, Resident of Village- Gangarahour, P.S.- Bakhari, District- Begusarai.
 43. Prem Kumar, Son of Shiv Shankar Rai, Resident of Village- Rachiahi Purana Tola, P.S.- Motihari, District- Begusarai.
 44. Vicky Kumar Rai, Son of Yadunandan Rai, Resident of Village- Bhawanandpur, P.O.- Panapur, P.S.- Birpur, District- Begusarai.
 45. Jayant Kumar, Son of Jagdish Prasad Sah, Resident of Village- M.M. Road, Gami Tola, P.S.+District- Katihar.
 46. Amarjit Mahto, Son of Suresh Mahto, Resident of Village- Yodhabari Lolu Nagar, P.S.+District- Begusarai.
 47. Vijay Rai, Son of Late Chamru Rai, Resident of Village- Garari Tola Mofatganj, P.S.- Daharia, District- Katihar.
 48. Chandan Kumar Mahto @ Chandan Mahto, son of Late Prem Lal Mahto, Resident of Village-Guru Bazar, P.S.-Barari, District-Katihar.

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49. Bulet Kumar @ Bulet Rai, Son of Markendi Rai, Resident of Village- Buhari Mushari, P.S.- Barari, District- Katihar.
 50. Arjun Mahto @ Arjun Rai, Son of Chhotan Mahto, Resident of Village- Bhagwanpur, P.O.- Panapur, P.S.- Birpur, District- Begusarai.
 51. Amit Kumar, Son of Late Kailash Mandal, Resident of Village- Badhauni, P.S.- Haveli Kharagpur, District- Munger.
 52. Jhantu Singh, Son of Mahendra Singh, Resident of Village+P.O.- Mohanpur, P.S.- Bakhari, District- Begusarai.
 53. Anoj Singh, Son of Late Raj Kishore Singh, Resident of Village+P.O.- Mohanpur, P.S.- Bakhari, District- Begusarai.
 54. Kari Roy @ Kare Lal Roy, Son of Bidesi Roy, Resident of Village- Bhagwanchowk, Chandi Tola, P.S.+District- Katihar.
 55. Raj Kumar @ Raj Kumar Rai, Son of Shivbalak Rai, Resident of Village- Larkania Tola, P.S.+District- Katihar.

.... Petitioners

Versus

1. The Union of India through its General Manager of N.F. Railway Maligaon Guwahati, Pin 781011.
2. The General Manager of N.F. Railway Maligaon Guwahati, Pin- 781011.
3. Divisional Railway Manager North Frontier Railway, Katihar, Pin- 854105.
4. The Chief Commercial Manager, North Frontier Railway, Maligaon, Guwahati, Pin- 781011.
5. The Senior Divisional Commercial Manager, North Frontier Railway, Katihar, Pin-851010.
6. The Chief Commercial Inspector, Katihar Railway Station, Katihar.
7. The Regional Labour Commissioner Central Ministry of Labour, Government of India, Maurya Lok Complex, Block-A, IInd Floor, Patna- 800001.

.... Respondents 1st Set.

8. Nirala Prasad Singh, Son of Ram Swarup Singh, R/o Village- Mohanpur, P.S.- Sakhari, Distt- Begusarai.
9. Subodh Rai S/o Sudhir Rai at present Larkanian Tola Katihar.
10. Rinku Rai, Son of Sunny Dev Rai, Resident of Shanti Tola, P.S.- Town Thana Katihar.
11. Manoj Paswan, S/o Late Vishnudeo Paswan, Khodabanpur, Begusarai.
12. Rahul Kumar Das, Son of Ram Sagar Das, Govindpur Tola Mansoorchak, Begusarai.
13. Sudhir Kumar Verma, Son of Late Vishnu Prasad Verma, R/o Mangal Bazar Chiripatti, P.O. and District- Katihar.
14. Pankaj Kumar Paswan, Son of Bundlal Paswan, R/o Bhawanandpur, P.O. Panapur, P.S.- Birpur, District- Begusarai.
15. Sakal Kumar, Son of Shri Damodar Mahto, R/o Village- Bhawanipur, P.S.- Birpur, District- Begusarai.
16. Pappu Kumar, Son of Late Bebhharath Rai, R/o Village- Amarpur, P.S.- Barauni, District- Begusarai.
17. Sewak Roy, Son of Late Bipin Ray, R/o Village- Chhitabari, P.O.- Belwa, District- Katihar.
18. Dharmbeer Paswan, S/o Vishnu Paswan, R/o Village- Pokhodabadpur, P.S.- Khodabandpur, District- Begusarai.
19. Mithun Kumar, S/o Ram Padarath Rai, R/o Village Shivkund Via Munger Posinghiya, P.S.- Dharhara, District- Munger.
20. Ran Kumar Rai, S/o Syni Deo Rai, R/o Village- Shanti Tola, P.S.- Town Thana, District- Katihar.

21. Sanjay Kumar Rai, S/o Late Sudhir Rai, R/o Village- Larkhariya Tola, District- Katihar.
22. Ramanand Paswan, Son of Goverdhan Paswan, R/o Village- Kulipara, District- Katihar.
23. Lalan Mahto, S/o Late Phulan Mahto, R/o Village Bhawanandpur, Birpur, P.O.- Panapur, District- Begusarai.
24. Sanjay Kumar, Son of Late Mahendra Rai, R/o Karagpur, P.O.- Gouragawa, P.S.- Nayagowan, District- Begusarai.
25. Ajay Kumar, S/o Mahendra Rai, R/o Karagpur, P.O.- Gorgawan Nayagaon, District- Begusarai.
26. Bijay Kumar Bharti, Son of Bigeshwar Rai, R/o Village Biswar Asthan, Post Allapur Thana Pukwari, District- Begusarai.
27. Rishideo Singh, S/o Sri Pashupan Singh, Resident of Village- Osrari, P.S.- Barauni, District- Begusarai.
28. Sailesh Mahto, S/o Bindeshwari Mahto, R/o Village- Tikarampur Dhamatal Mahto Tola, Post Tikarampur Chandi Asthan, P.S.- Muffasil, District- Munger.
- Respondents

Appearance :

For the Petitioners : Mr. Gautm Bose, Senior Advocate
Mr. Binod Kumar, Advocate

For the Respondents no.1 to 6 : Mr. Anil Singh, S.C.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 21-04-2016

The order dated 11th of January, 2016 passed by the Central Administrative Tribunal, Patna Bench, Patna (for short, 'the Tribunal') is subject matter of challenge in the present writ application. The learned Tribunal vide the order impugned in the present writ application has held that the petitioners working as Parcel Porters cannot invoke the jurisdiction of the Tribunal as they have no relation with the Railways as they are not being appointed by the Railways.

Learned counsel for the petitioners fairly admits that

the petitioners were engaged to perform duties of Parcel Porter by a contractor.

The employees engaged by the contractor are not the employees of the Railways. Reference may be made to a decision of the Supreme Court in the case of Steel Authority of India Ltd. & Ors. Versus. National Union Water Front Workers and Ors., AIR 2001 SC 3526,

Learned counsel for the petitioners refers to the judgment of the Supreme Court in the case of Union of India and others v. Deep Chand Pandey and another, AIR 1993 SC 382 and also a Full Bench judgment of the Tribunal in the case of Yogendra Mahto & Ors. Vs. Union of India & Ors., 2001 BCCL 163, to contend that the casual labourers employed by a department of the Government of India are entitled to invoke jurisdiction of the Tribunal.

We do not find that the said judgments have any applicability to the facts of the present case. In those cases, the employees were engaged by a department of the Government of India, though on casual basis and the employees were claiming absorption in the department of the Government of India whereas, in the present case, the petitioners were never engaged by the Railways, but by a contractor. In respect of employees engaged by a contractor, there is no relationship of employer and employees in view of the judgment in

Steel Authority of India Ltd. & Ors case (supra).

In view of the said facts, we do not find any error in the order passed by the learned Tribunal which may warrant interference in the present writ application.

The writ application thus stands dismissed. However, it will be open to the petitioners to avail such other remedy as is available to them in accordance with law.

Interlocutory Applications no.2929 of 2016 and 2930 of 2016 stand disposed of accordingly.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

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CAV DATE	N. A
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Transmission Date	