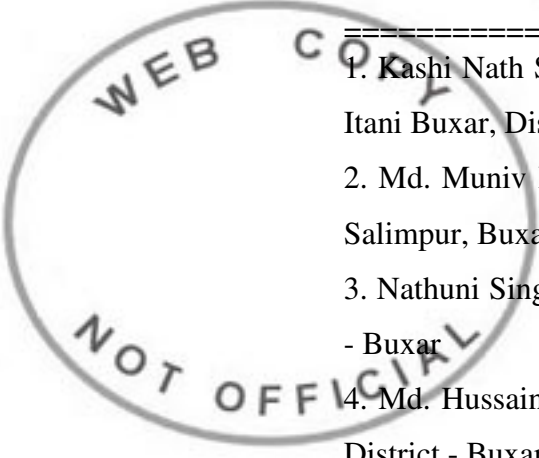


IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5089 of 2014

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1. Kashi Nath Singh, Son of Shri Baleshwar Singh, Resident of Vishrampur, P.S. Itani Buxar, District - Buxar
 2. Md. Muniv Khan, Son of Md. Rahamtullah Khan, Resident of Village - Chotki Salimpur, Buxar, District - Buxar
 3. Nathuni Singh, Son of Vishanath Singh, Resident of Koirpurva, Buxar, District - Buxar
 4. Md. Hussain Ansari, Son of Md. Ibrahim Ansari, Resident of Ismailpur, Buxar, District - Buxar
 5. Jawahar Yadav, Son of Shri Videshi Yadav, Resident of Village - Maniar, Sikara Diara, District - Bhojpur
 6. Sri Lal, Son of Shri Harihar, Resident of Udiyan Ganj, Chatnawar Krishnapuram, District - Buxar
 7. Janaki, Son of Shri Gupteshwar, Resident of Udiyan Ganj, Chatnawar Krishnapuram, District - Buxar
 8. Ram Raj, Son of Shri Tilak Dhari, Resident of Village - Kritpura, District - Buxar
 9. Bhikhari, Son of Shri Shukhan, Resident of Village - Sauva, District - Buxar
 10. Uma Shankar, Son of Late Lal Mohar, Resident of Village - Udiyan Tola, Kamriao Diara, District - Buxar
 11. Ram Nath Singh, Son of Hira Lal Singh, Resident of Village - Udiyan Tola, Kamriyav, Bhojpur, Ara
 12. Mohan, Son of Late Nagina, Resident of Village - Udiyan Tola, Kamriao Diara, District - Buxar
 13. Yamuna, Son of Late Janaki, Resident of Village - Idiyan Tola, Kamria Diara, District - Buxar
 14. Nishad, Son of Shri Chandrika, Resident of Amaiya, District – Buxar
 15. Kamla Prasad, son of Late Ram Chandra Choudhary (not Krishna Prasad), Resident of At+P.O.+P.S.- Pandey Patti, Buxar, District- Buxar.
 16. Md. Sultan Ansari, son of Late Md. Yakub, Resident of Village- Ismailpur, P.O.+P.S.- Pandey Patti, Buxar, District- Buxar.
 17. Shri Akshay Lal, son of Shri Sita Ram Singh, resident of Village- Kritpura, P.S.- Pandey Patti, Buxar, District- Buxar.

18. Shri Sarvajeet Singh, son of Harvansh Singh, resident of Village- Balua, Pandey Patti Muffasil, P.S.- Pandey Patti, Buxar, District- Buar.

19. Shri Suresh, son of Shri Badlu Singh, resident of Village- Balua, Buxar, District- Buxar.

20. Shri Moti Lal Sharma, son of Bihari Sharma, resident of Bihia, Babu Ke Jagdishpur, Bhojpur, Ara.

21. Shri Ram Rekha Sharma, son of Parsottam Sarma, Resident of Naya Bazar, Buxar, District- Buxar.

22. Shri Janardan Singh, son of Shri Gilaru, resident of Village- Belahi, Buxar, District- Buxar.

23. Shri Moti Lal, son of Late Bhulan, resident of Balua, P.S. Pandey Patti, Buxar, District- Buxar.

24. Shri Kedar Singh, son of Shri Mangru Singh, resident of Village- Balua, Buxar, District- Buxar.

25. Shri Ram Prasad, son of Late Ram Dayal Ram, resident of Village- Jagdishpur, District- Buxar.

26. Shri Jainath, son of Shri Ram Prasad, resident of Village- Jagdishpur, District- Buxar.

27. Shri Janardan Pandey, son of Shri Jiut Pandey, resident of Village- Jagdishpur, District- Buxar.

28. Shri Jawahir Pandey, son of Shri Mutan Pandey, resident of Village- Jagdishpur, District- Buxar.

29. Shri Dipa, son of Late Jairam, resident of Village- Udiyan Tola, Kamriao Diara, District- Buxar.

30 Shri Algoo Yadav, son of Late Dahari, resident of Kamriao, District- Buxar.

.... Petitioners

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur
2. The General Manager, East Central Railway, Hajipur
3. The Chief Personnel Officer, Eastern Railway, Kolkata Now East Central Railway, Hajipur
4. The Divisional Railway Manager, E.C. Railway, Hajipur
5. The Senior Divisional Personnel Officer, E.C. Railway, Danapur

6. The Divisional Personnel Officer, E.C. Railway, Danapur

.... Respondents

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Appearance :

For the Petitioners : Mr. Amar Nath Jha, Advocate.

For the Respondents : Mr. D.K. Sinha, Sr. Advocate.

Mr. Bijoy Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 05-05-2016

Heard learned counsel for the parties.

2. The challenge in the present writ application is to an order passed by the Central Administrative Tribunal, Patna Bench Patna (for short “the Tribunal”) on 10th of May, 2013, whereby an Original Application filed by the petitioners under Section 19 of the Administrative Tribunals Act, 1985 bearing O.A. No. 246 of 2009 was dismissed.

3. A perusal of the impugned order shows that some of the petitioners were appointed in the year 1986 and disengaged from the work in the year 1987. The claim of the petitioners is for absorption and for grant of temporary status in terms of the scheme framed by the Railway Board.

4. Similar question has been examined by this Bench in C.W.J.C. No. 9500 of 2014 (Ram Sanjivan Roy & Ors. Vs. The Union of India & Ors.) wherein, after considering the Supreme Court

order in *Indra Pal Yadav Vs. Union of India & Ors. (1985) 2 S.C.C. 648* it was found that the scheme is meant for casual workers who were working prior to 01.01.1981 and are working in the year 1987 alone are entitled to absorption.

5. Since as per the averment made by the petitioners themselves none of them was working prior to 01.01.1981, therefore, they are not covered by the scheme for absorption.

6. In view of the above judgment in C.W.J.C. No. 9500 of 2014 (Ram Sanjivan Roy & Ors. Vs. The Union of India & Ors.), the writ application is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P./Anand
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