

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18064 of 2016

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Mannu, S/o Late Ganpat, resident of Village- Pechhari, P.O.- Debchiraiya, P.S.- Sherghati, District- Gaya (Bihar)

.... Petitioner

Versus

1. The Union of India through the General Manager, E.C. Railway, Hajipur, District- Vaishali (Bihar).
2. The Divisional Railway Manager, E.C. Railway, Danapur, P.O.- Khagaul, District- Patna (Bihar).
3. The Senior Divisional Personnel Officer, E.C. Railway, Danapur, P.O.- Khagaul, District- Patna (Bihar).
4. The Senior Divisional Manager (Co-Ordination), East Central Railway, Danapur, P.O.- Khagaul, District- Patna (Bihar).
5. The Assistant Engineer (Line), East Central Railway, Danapur, P.O.- Khagaul, District- Patna (Bihar).

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate
For the Respondent/s : Mr. Kalyan Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 23-03-2017

A bunch of nine persons joined together to file OA 170/2010. They sought a direction from the Central Administrative Tribunal, Patna Bench, Patna for their absorption and grant of temporary status in similar terms which was granted to the applicants of OA 671/2002. The claim was made further on the basis of a decision rendered by the Hon'ble Apex Court in the famous case of Indra Pal Yadav for regularization of casual Gangman etc.

In terms of the scheme prepared by the respondent



Railway authorities a cut-off-date was fixed for such persons and the date was 31.03.1987. All those, who were applicants and who fulfilled the requirements, came to be regularised. This petitioner was nowhere in the scene. After having heard the petitioner cum applicant as well as the respondents, the Tribunal crystallised his views in following terms :

“Coming through the entire pleadings filed by the applicants and the respondents, no direction can be given to the respondents even to consider the case of the applicants for their absorption or regularization at this distance of time, due to the following reasons :-

[i] The OA is signally silent, when the cause of action for the present case arose;

[ii] There is no impugned order;

[iii] Even there is no order where similar benefits have been extended to other co-employees and the applicants have failed to show how they are similar to the persons who have got the benefit of regularization/ absorption;

[iv] The applicants did not show categorically when they had worked last under the Railway and what they were doing all these years when they were out of employment and what they were doing after the direction of the Hon'ble Supreme Court in the case of Indra Pal Yadav and when the Railway took steps to regularize casual majdoors fixing a date of application and specifying a cut off



date for whom the scheme was floated in 1987;

[v] Even after for the sake of argument, it is admitted that similar co-employees who had filed OA 671/2002 and OA 559/2003 got relief in view of the order passed by this Tribunal, the applicants do not whisper a single word, what prevented them from approaching this Tribunal in 1989-90 when their cases were over-looked or in 2007 when the Hon'ble High Court dismissed the writ petition filed by the official respondents and thereby upholding the order of this Tribunal. It may not be lost sight of the fact that OA 559 of 2003 was disposed of by this Tribunal on 30.12.2008. At least after disposal of the said case, the applicants should have approached this Tribunal for similar relief. That apart, the respondents have categorically pleaded in their written statement that even no relief was granted to the applicants of OA 671/2002 and OA 559/2003.

[vi] Last but not the least, even there is no substantive document of their engagement or payment of wages or remuneration or discharge or discontinuance order.”

In the given facts and circumstances, if the Tribunal refused to reach out to this petitioner on a hopelessly belated claim as well as in absence of cogent and valid evidence and materials about his status, it has committed no wrong, in fact, such litigations do not



require to be encouraged at all.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.03.2017
Transmission Date	NA

