

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8000 of 2009

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Toni Kumar S/o Laxman Ram, resident of village – Ulao, P.S. – Begusarai
(Muffasil), District – Begusarai.

.... Petitioner

Versus

1. The Union of India through the Secretary, Department of Petroleum Products, New Delhi.
2. The Secretary, Department of Petroleum Products, Government of India, New Delhi.
3. The Indian Oil Corporation Ltd., a Company incorporated under the provision of Companies Act, 1986, having its registered office at G-9, Ali Yavar Jung Marg, Bandra East, Mumbai – 400051, through its Chairman.
4. The Executive Director (Supplies), Indian Oil Corporation Ltd. cum Appellate Authority, Head office at G-9, Ali Yavar Jung Marg, Bandra East, Mumbai – 400051.
5. The General Manager, Bihar State Office, Indian Oil Corporation Ltd., Loknayak Jai Prakash Bhawan, Frazer Road, Patna P.S. – Kotwali, District – Patna.
6. The Deputy General Manager (Operation)-cum-Disciplinary Authority, Indian Oil Corporation, Loknayak Jai Prakash Bhawan, Frazer Road, Patna P.S. – Kotwali, District – Patna.
7. The Senior Refinery Co-ordinator, Barauni –cum- Enquiry Officer, Indian Oil Corporation Ltd., Barauni, Bihar.
8. The Divisional Manager, Indian Oil Corporation Ltd., Business Group (Petroleum) Indian Oil Corporation, Barauni, Bihar.
9. Terminal Manager, Indian Oil Corporation Ltd., Business Group (Petroleum) Indian Oil Corporation, Barauni, Bihar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Narendra Kr.Singh, Adv.

For the Respondent/s : Mr. K.D.Chatterji, Sr. Adv.

Mr. Amlesh Kumar Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 05-05-2017 Heard Sri Narendra Kumar Singh, learned counsel for the petitioner and Sri K.D. Chatterji, learned senior counsel assisted by Sri Amlesh Kumar Verma, learned counsel for the respondent/Indian Oil Corporation Limited.



The petitioner has approached this Court by filing the present writ petition in the month of July, 2009, with a prayer to direct the respondents, particularly respondent/Indian Oil Corporation, Barauni to regularize his service on the post of Peon. A plea has been taken that petitioner was appointed as Peon in I.B.P. Company Terminal Barauni on 01-01-2003 on the pay-scale of Rs. 1200/- per month. He worked till 19-07-2004 and thereafter, he was transferred in the same capacity in the pay-scale of Rs. 1800/- per month. However, in the writ petition, no appointment letter has been brought on record, only a so called certificate has been brought, as **Annexure – 2** to the writ petition.

In this case, a counter affidavit has been filed on behalf of the respondent no. 3 to 9.

Fact remains that the said Indo-Berma Petroleum Company has been merged with the Indian Oil Corporation in the year 2007 and a specific stand has been taken in the counter affidavit that petitioner was never employee of the Indian Oil Corporation, rather he was a labour of a contractor namely M/s R.K. Enterprises and that too for a limited period.

Sri Chatterji, learned senior counsel for the respondent has drawn my attention to Annexure – R/1 to the counter affidavit to show that the petitioner was engaged for the period between



01-01-2003 and 17-03-2005. He has also argued that since there was no relationship of “Master” and “Servant” with the petitioner and the Indian Oil Corporation Ltd., there is no reason to pass any order for regularisation.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. Despite the fact that by filing counter affidavit, a specific stand has been taken that petitioner was never employee of the Indian Oil Corporation Ltd., no rejoinder to the counter affidavit has been filed. Meaning thereby that statement made by the respondent/Corporation, is not in dispute.

In view of facts and circumstances, I do not find any ground to pass favourable order.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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