

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6214 of 2016

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1. Vijay Singh Son of Baiju Singh Resident of village + P.O. - Ramsharh, P.S. - Sandesh, District - Bhojpur, Bihar.
 2. Ram Singh Son of Ramesh Singh Resident of Village - Sakhunand, P.S. - Sahar, District - Bhojpur, Ara, Bihar.
 3. Suresh Prasad Son of Fakir Chand Sah Resident of village + P.O. - Sarthuan, District - Bhojpur, Bihar.
 4. Md. Nasiruddin Ansari Son of M.M. Ansari Resident of village + P.O. Ramasandh, District - Bhojpur, Bihar.
 5. Md. Nizamuddin Ansari Son of A.M. Ansari Resident of village + P.O. Ramasandh, District - Bhojpur, Bihar.
 6. Sanjay Pandey Son of Bal Krishna Pandey Resident of village - Bherodhi, P.O. - Charpokhri, District - Bhojpur, Bihar.
 7. Ramesh Kumar Singh Son of Abdesb Bihari Singh Resident of village - Bhairodin P.O. - Koel, District - Bhojpur (Ara), Bihar.
 8. Hans Lal Singh Son of Mokhtar Singh Resident of village - Bagusar, P.O. - Semraon, District - Bhojpur (Ara), Bihar.
 9. Janeshwar Shah Son of Ram Murti Shah Resident of village + P.O. - Ekwari, District - Bhojpur (Ara), Bihar.
 10. Dhanesh Singh Son of Abdesb Bihari Resident of Village - Bhowrobin, P.O. - Koli, District - Bhojpur (Ara), Bihar.
 11. Inder Mani Tiwari Son of Jayaram Tiwary Resident of village - Ashajitpur, P.O. - Benipur, District - Ambedkar Nagar, Faizabad (U.P.).

.... Petitioners

Versus

1. The Union of India through Secretary, Ministry of Urban Land Development, Govt. of India, New Delhi.
2. The Secretary, Old Secretariat, Ministry of Labour, Govt. of India, New Delhi.
3. The Labor Commissioner, Rajpur Road, New Delhi.
4. The Chairman-cum-Managing Director, National Building Construction Company Ltd., NBCC House, Lodhi Road, New Delhi.
5. The Manager (Personnel), National Building Construction Company Ltd., NBCC House, Lodhi Road, New Delhi.
6. The Manager (IR), National Building Construction Company Ltd., NBCC House, Lodhi Road, New Delhi.
7. Madan Singh Son of Shiv Gobin Sha Resident of village - Baruna, P.S. - Narayanpur, District - Bhojpur, Bihar.
8. Kashi Nath Pandey Son of Chandra Pandey Resident of village - Rampur, P.O. - Pakna, Thana Sandesh, District - Bhojpur, Bihar.
9. Manman Shah Son of Kesav Shah Resident of village - Dulappur, District - Bhojpur (Ara), Bihar.
10. Srinivas Singh Son of Shiv Pujan Singh Resident of village & Post - Ramashand, District - Bhojpur (Ara), Bihar.
11. Ram Vinay Shah Son of Ram Iquable Shah Resident of village & Post - Chaasi, Thana - Sahar, District - Bhojpur (Ara), Bihar.
12. Mahesh Prasad Son of Fakir Chand Shah Resident of village & Post - Sarthua, District - Bhojpur (Ara), Bihar.
13. Sahodar Singh Son of Hira Lal Singh Resident of village - Sakhuana, District -



- Bhojpur (Ara), Bihar.
14. Mahinder Prasad Son of Lakhi Chand Shah Resident of village - Sartjhua, District - Bhojpur (Ara), Bihar.
 15. Ashok Singh Son of Sukhadev Singh Resident of village & Post - Kharaw Kala, District - Bhojpur (Ara), Bihar.
 16. Parshuram Yadav Son of Kameshwar Yadav Resident of village - Gowari, Post - Sehra, District - Patna, Bihar.
 17. Krishna Chand Singh Son of Jairam Singh Resident of village - Sakhuana, Post - Dullam Chak, District - Bhojpur (Ara), Bihar.
 18. Arun Kumar Son of Sri Hari Nandan Singh Resident of village - Nawakhap, P.S. - Serghati, District - Gaya, Bihar.
 19. Ravindra Kumar Singh Son of Jaminder Singh Resident of village - Balautola, Post - Piro, District - Bhojpur (Ara), Bihar.
 20. Satyanarain Singh Son of Ram Pravesh Singh Resident of village & Post - Ramsharh, District - Bhojpur (Ara), Bihar.
 21. Shiv Nath Shah Son of Suresh Shah Resident of village - Nonpur Thana Sahar, District - Bhojpur (Ara), Bihar.
 22. Krishn Chandra Shah Son of Gyan Chandra Shah Resident of village & Post - Dullam Chak, District - Bhojpur (Ara), Bihar.
 23. Pramod Kumar Ram Son of Inder Dev Ram Resident of village - Dhourri and Post - Barki Khaeran, District - Bhojpur (Ara), Bihar.
 24. Ajay Kumar Shah Son of Ram Lakhan Shah Resident of village - Banouli, Post - Chasi (Agiaon), District - Bhojpur (Ara), Bihar.
 25. Jai Prakash Singh Son of Bhagwan Singh Resident of village - Andhari Tola, P.S. - Chauri, District - Bhojpur, Bihar.
 26. Shiv Bachan Singh Son of Hira Singh Resident of village - Kanpahari, Post - Chanchauhan, District - Bhojpur (Ara), Bihar.
 27. Ashok Kumar Singh Son of Basudhar Singh Resident of village & Post - Ramasharh, District - Bhojpur (Ara), Bihar.
 28. Ramnivas Ray Son of Deo Narayan Ray Resident of village - Kanpahari, P.S. - Chauri, District - Bhojpur, Bihar.
 29. Ravindra Singh son of Hira Nand Singh Resident of village & Post - Kursa Pandural (Rampur), District - Bhojpur (Ara), Bihar.
 30. Ram Laddoo Ram Son of Rajdeo Singh Resident of village - Chouri, Post - Barkikharaen, District - Bhojpur (Ara), Bihar.
 31. Krishna Chand Singh Son of Narayan Shah Resident of village & Post - Narahi, District - Bhojpur (Ara), Bihar.
 32. Munna Prasad Son of Ambika Prasad Resident of village - Dhowkalla Bia Sahar, District - Bhojpur (Ara), Bihar.
 33. Vakeel Singh Son of Triveni Singh Resident of village - Raghunipur, Post - Sakhua, District - Bhojpur (Ara), Bihar.
 34. Mithalesh Shah Son of Munshi Shah Resident of village - Bharmpur, Post - Kirkari, District - Bhojpur (Ara), Bihar.
 35. Bharat Singh son of Devnandan Singh Resident of village - Kusre, P.O. - Purura Rampur, P.S. - Sandesh, District - Bhojpur (Ara), Bihar.
 36. Dinesh Prasad Singh Son of Ram Dev Singh Resident of village - Kharav Chaturbhuj, Post - Kharab Kala, District - Bhojpur (Ara), Bihar.
 37. Dinesh Singh Son of Sri Ramayan Singh Resident of village - Badihar, P.S. - Sandesh, District - Bhojpur, Bihar.

.... Respondents

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Appearance :

For the Petitioners : Mr. A.B. Ojha, Sr. Advocate
Mr. Awadhesh Kumar Mishra, Advocate
For Respondents 4 to 6 : Mr. Satish Kumar Sinha, Advocate
For Union of India : Mr. S.D. Sanjay (ADDL. SOC. GEN.)
Mr. Ravinder Kumar Sharma, CGC

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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: 27-01-2017

Writ application has been filed against the order dated 3rd December, 2015, passed in O.A. No. 394 of 2011 by Central Administrative Tribunal, Patna Bench, Patna.

The Tribunal has dismissed the OA on the ground that since there is already an order by a Coordinate Bench, which was the Principal Bench at New Delhi, which has been reproduced in paragraph 6 of the impugned order, the OA was barred by principles of *res judicata*.

For the similar cause of action the Hon'ble Apex Court was moved, which was dismissed. Then the Delhi High Court was moved which transferred the petition to the Principal Bench, New Delhi, which decided the matter in following terms :

6. We have heard the parties and perused the records. It is noted that the applicants have challenged the termination order dated 20.09.1998 against which they have filed one writ petition before the High Court, which was subsequently transferred to the



CAT, Principal Bench, New Delhi with TA No. 865 of 2009, which was ultimately dismissed with observation as under :-

“5.3 During the pendency of the enquiry, the petitioners had filed Civil Suit No. 428 of 1994 praying for stay of the enquiry and their regularization. This was, however, dismissed in default vide order dated 25.11.1999. The petitioners had also raised an Industrial Dispute before the Assistant Labour Commissioner, Delhi, who had issued a notice dated 09.06.1994 to the NBCC, which was also replied by them. A copy of the notice and the reply have also been annexed as R-1 to the CA. It seems this matter was not perused by the applicants thereafter. Para 11 of the CA further avers that said Shri Vijay Singh, who has filed affidavit in support of the present writ petition, vide his complaint dated 03.07.1998, had also approached the Office of the Assistant Labour Commissioner claiming the same relief as in the WP instant. The respondents had received a notice dated 16.11.1998 in this regard, a copy of which has been annexed as R-4 with the CA.

6. *In view of the foregoing, it seems that the applicants have been perusing simultaneous remedies in different fora. Further, they do not have locus standi as per CAT [Procedure] rule 4[5][v]. It is trite that the Central Administrative*



Tribunal does not have jurisdiction in the matter of Public Interest Litigation. Accordingly, the TA is dismissed with liberty to the applicants to pursue their grievance in appropriate forum as per law.”

In view of the observation of the Principal Bench, New Delhi, the decision of the Tribunal to reject the OA cannot be said to be arbitrary, irrational or illegal. No interference is warranted with the order of the Tribunal. Writ application is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	28.01.2017
Transmission Date	

