

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1205 of 2013

IN

Civil Writ Jurisdiction Case No. 11756 of 2003

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1. Ganesh Singh S/O Late Soukhi Singh Resident Of Village- And P.O.- Bihat, P.S.- Barauni, District- Begusarai
 2. Nagendra Narayan Yadav S/O Late Deo Narayan Yadav Resident Of Village- Chakaballi, P.O.- Noorpur, P.S.- Barauni, District- Begusarai
 3. Awadh Kishore Singh S/O Late Gandhari Singh Resident Of Village- Belchhi, P.S.- Karandey, Dist.- Shekhpura
 4. Sachchidanand Singh S/O Late Bateshwar Singh Resident Of Village Bihat Tola Ibrahimpur, P.S. Barauni, District- Begusarai
 5. Ram Balak Das S/O Late Bijal Das Resident Of Village- Bihat, P.S.- Barauni, District- Begusarai
 6. Chandra Shekhar Sah S/O Bihari Sah Resident Of Village- Bihat Tola Gurudaspur, P.S.- Barauni, District- Begusarai
 7. Ram Naresh Singh S/O Ram Sagar Singh Resident Of Village- Bihat, P.S.- Barauni, District- Begusarai
 8. Bipin Kumar Singh S/O Ram Ashray Pd. Singh Resident Of Village- Bishanpur Chand, P.O. Btps, P.S. Barauni, District- Begusarai
 9. Pawan Kumar Son Of Ram Ashish Singh R/O Village- Salapur, P.S. Naya Gaon, District- Begusarai
 10. Ram Naresh Mahto S/O Saudagar Mahto Resident Of Village- Bakhatpur, P.S.- Barauni, District- Begusarai
 - 11 (a) Shanti Devi, Wife of Late Adhik Sah.
 - 11 (b) Laxman Sah, Son of Late Adhik Sah, Both are resident of Village Chak, P.S. Barauni, District Begusarai
 - 11 (c) Anita Devi @ Anti Devi, Wife of Jakkan Sao, Village Chakballi, P.S. Barauni, District Begusarai
 - 11 (d) Daulat Devi, Wife of Permanand Sao, Resident of Rajoura, P.S. and District Begusarai
 - 11 (e) Jeera Devi, Wife of Santosh Sao, Village Basudevnpur, P.S. and District Begusarai.
 - 11 (f) Dana Devi, Wife of Anil Sao, resident of Village Pipra Devas, P.S. Barauni, District Begusarai.
 - 11 (g) Rina Devi, Wife of Ram Jeevan Sao, Village Samastipur, P.S. Sahebpur Kamal, District Begusarai.
 - 11 (h) Mona Devi @ Munni Devi, Wife of Ram Chandra Sao, Resident of Village Malti, P.S. Barauni, District Begusarai.
 12. Ram Bahadur Sah S/O Late Ram Swarup Sah Resident Of Village- Tiltrath, P.S.- Barauni, District- Begusarai
 13. Bhagnarayan Pd. Singh S/O Late Bisheshwar Pd. Singh Resident Of Village- Barauni (Flag), Tola Kishanpur, P.S.- Teghra, District- Begusarai

.... Appellants

Versus

1. The Union Of India, Through Secretary, Ministry Of Fertilizer And Chemical, Shastri Bhavan, New Delhi
2. Hindustan Fertilizer Corporation Ltd. Through Chief Managing Director, 55 Madhuban , Nehru Place New Delhi
3. Chief Managing Director, Hindustan Fertilizer Corporation Ltd. 55 Madhuban, Nehru Place New Delhi



4. Chief Manager, Personal And Industrial Relation, 55 Madhuban , Nehru Place New Delhi
5. Chief Perssonal Officer, Hindustan Fertilizer Corporation Ltd. 55 Madhuban , Nehru Place New Delhi
6. General Manager Cum Incharge Hindustan Fertilizer Corporation Ltd. Barauni, Post Urvarak Nagar, P.S.- Barauni, District- Begusarai
7. Personnel Officer, Hindustan Fertilizer Corporation Ltd. P.O.- Urvarak Nagar, P.S.- Barauni, District- Begusarai

.... Respondents

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Appearance :

For the Appellants : Mr. Ram Sumiran Singh, Advocate

For the Respondents : None

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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: 19-01-2017

I.A. No.267 of 2017 is for substitution of the legal heirs of appellant no.11, namely, Adhik Sah @ Adhik Saw who died on 24.03.2016. The names indicated of the legal heirs starting with 11(a) to 11(h) are allowed to be substituted.

2. I.A. No.267 of 2017 is allowed.

3. 17 petitioners had filed the writ application when a communication dated 06.10.2003 was received under the signature of the Chief Personnel Officer, Hindustan Fertilizer Corporation Limited, New Delhi (hereinafter referred to as 'the Corporation') indicating the decision of the Board of Directors permitting the 19 employees of the Barauni Unit of the Corporation for voluntary separation under the Voluntary Separation Scheme without terminal benefits till final disposal of criminal case pending against them in the



court of law. Prayer was also made for grant of Ex-gratia payment and terminal benefits till the final settlement of their terminal dues was made. A prayer was also made that they be not evicted from the quarters by the Corporation till further order. The matter was considered by the learned Single Judge and directions were issued upon the respondent-Corporation in following terms:-

"9. After having heard the parties, and taking into consideration the entire materials available on the record, the present writ petition, with consent of the parties, is being disposed of with the following orders and directions:-

A. The respondent No. 6 shall hand over the cheques prepared in the name of individual petitioners, photo copies of which were served on the learned counsel appearing on behalf of the petitioners yesterday, to those writ petitioners who are present in Patna on proper receipts issued by them in presence of learned counsel for the petitioners and Mr. K.N. Gupta, learned counsel appearing on behalf of the respondents 6 and 7. If some of the writ petitioners are not present in Patna, then cheques prepared in their names shall be handed over to them in the office of respondent no. 6 within a maximum period of 15 days. Each of the petitioners shall be obliged to collect their cheques either today or within aforesaid period of 15 days from respondent no. 6 and they shall issue an appropriate and requisite receipts showing acceptance of cheques prepared in their names.

B. All the petitioners shall vacate the residential quarters of the respondent Corporation within a maximum period of one month from today. If they do not vacate the residential quarters within the aforesaid period



of one month, then their occupation shall be deemed to be unauthorized and they shall be treated to be encroachers. Thereafter, respondent no. 6 shall be at liberty to take all coercive measures for their eviction from the aforesaid residential quarters of the respondent Corporation.

C. The respondent No. 6 shall be at liberty to approach the local police for getting the petitioners forcibly evicted from the residential quarters, if they do not vacate the same within a period of one month from today.

D. The respondents shall not charge any rent with respect to the residential quarters or any other additional quarters under occupation of all the petitioners or some of the petitioners for the past period and for one more month from today.

E. Claim for interest made on behalf of the petitioners on admitted dues, in view of the certificate dated 24.4.2013 issued by the Syndicate Bank is hereby rejected. The petitioners shall not get any interest on the admitted dues for which cheques have already been prepared, and shall be handed over to the petitioners pursuant to the present order."

4. There are 13 appellants from the writ application now who have moved the Division Bench under Letters Patent Appeal. Submission is now sought to be made that the respondent authorities while settling the claims in terms of the direction, issued by the learned Single Judge, as reproduced above, have made certain deductions, have not added things like increments etc. to which they are entitled to, payment of interest should also be made because they have withheld the money etc. etc.



5. The question, which is required to be considered by the Division Bench, is whether there is any serious infirmity in the decision of the learned Single Judge in granting the relief in favour of these appellants. It is not a case of the relief not being extended to the appellants, it is a case of unsatisfied appellants who want more and more than what has been allowed to them.

6. That cannot be a ground for passing any order in addition to what has already been done by the learned Single Judge in favour of these appellants. Those are issues, which can be agitated either before the concerned respondent-authorities of the Corporation or for which remedial measure may be taken by invoking the jurisdiction of another authority. Nothing more is required to be adjudicated beyond what has been said in the earlier part of the order.

7. Appeal is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

S.Kumar/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	20.01.2017
Transmission Date	NA

