

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2177 of 2015
IN
Civil Writ Jurisdiction Case No. 5679 of 2005**

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1. Fatuha-Islampur Light Railways Men's Mazdoor Sangh through its President Om Prakash, son of Late Jai Shankar Paswan, resident of Village- Rasalpur, P.O.- Fatuha, P.S. Fatuha, District- Patna.

.... Appellant/s

Versus

1. The Union of India, through the Chairman Railway Board, Ministry of Railway, Government of India, New Delhi.
2. The General Manager, East Central Railway, Hazipur.
3. The Divisional Railway Manager, East Central Railway, Danapur Division, Danapur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Uma Kant Shukla
Mr. Rabindra Prasad Singh
For the Respondent/s : 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: 13-02-2017

Delay of one day is condoned. I.A. No.9473 of 2015 is allowed. The matter is thereafter heard on merits.

The appellants have assailed the order dated 31.7.2015 passed by a learned Single Judge in CWJC No.5679 of 2005. The award rejecting the claim of the appellants for absorption of 55 workers under the respondent authorities has been rejected in Reference Case no.19 (C) of 2003.

The Court has gone through the award as well as the order of the learned Single Judge. Even according to the claim made



and asserted before the Tribunal, the so-called engagement and working was till 1985. No material and evidence except sketchy kind was produced before the Tribunal to establish their hiring, engagement and continuance. Some evidence of intermittent hiring was produced before the Tribunal. The Tribunal has also taken note of the fact that the so-called Union was constituted in the year 1990 to rake up case of the workers and registration of the Union was of the year 2001 when the Railway in question was abolished in the year 1985 itself. With the above kind of finding, the learned Single Judge has rightly dismissed the writ application refusing to interfere with the order of the Tribunal refusing to pass any order for absorption.

It is also of significance that 30 years have already gone past since the workmen, who are members of the Union, have lost work, which is said to be 1985.

No interference is warranted with the order of the learned Single Judge which does not suffer from any illegality. Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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