

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1337 of 2017

IN

Civil Writ Jurisdiction Case No. 14930 of 2016

- =====
1. Ramu Paswan Son of Kamaldeo Paswan resident of village - Kharauna Dih, P.S. Kurhni, District - Muzaffarpur (Bihar)
 2. Shashikant Singh Son of Ganesh Prasad Singh resident of village- Sahtha, P.S. Bhagwanpur, District Vaishali
 3. Dibdeo Baitha Son of Damodar Baitha resident of village - Parsauni Devajit, P.S. Mehasi, District- East Champaran.
 4. Chandrakishore Singh Son of Late Shiv Chandra Singh resident of village- Kishunpur Madhuban, P.S. Kurhni, District Muzaffarpur
 5. Dharmendra Kumar Rai Son of Ram Ashish Rai resident of village - Chand Chore, P.S. Ujiarpur, District Samastipur
 6. Mukesh Mahto Son of Sri Mahrachan Mahto resident of village - Madhuban, P.S. Karja, District Muzaffarpur
 7. Binod Mahto Son of Mahrachan Mahto resident of village - Madhuban, P.S. Karja, District Muzaffarpur
 8. Suresh Sah Son of Late Kusheshwar Sah resident of village - Silout, P.S. Maniyari, District Muzaffarpur
 9. Umesh Mahto @ Umesh Kumar Son of Bhola Mahto resident of village - Pakri Pakohi, P.S. Karja, District Muzaffarpur
 10. Dipu Sah Son of Raghunath Sah resident of village - Silout, P.S. Maniyari, District Muzaffarpur
 11. Surendra Giri Son of Sri Janeshwar Giri resident of village - Rajua Barbari, P.S. Mehsi, District East Champaran (Bihar)
 12. Ramesh Sah Son of Bindeshwar Sah resident of Kishanpur Chit, P.S. Maniyani, District Muzaffarpur (Bihar)
 13. Kuldeep Mahto Son of Sri Bindeshwar Mahto resident of village - Jithan Khurd, P.S. Karja, District Muzaffarpur (Bihar)
 14. Uma Shankar Singh Son of Late Sakal Singh resident of village - Bishunpur, Madhuban, P.S. Kurhni, District Muzaffarpur
 15. Putul Mahto Son of Sri Gona Mahto resident of village - Pakari, Pakohi, P.S. Karja, District Muzaffarpur (Bihar)
 16. Pramod Bhagat @ Raju Bhagat Son of Late Ram Chandra Bhagat resident of village - Parsauni, Devajit, P.S. Mehsi, District East Champaran (Bihar)
 17. Shiv Shankar Giri Son of Sri Jaleshwar Giri resident of village - Rajua Barbari, P.S. Mehsi, District East Champaran (Bihar)
 18. Rakesh Sah Son of Late Kusheshwar Sah resident of village - Silout, P.S. Maniyari, District Muzaffarpur (Bihar)

.... Appellant/s

Versus

1. The Union of India, through General Manager, Central Railway, Hazipur
2. The Chairman, Railway Board, Ministry of Railway Rail Bhawan, New Delhi 110001
3. The Assistant Commercial Manager, Sonapur
4. Assistant Labour Commissioner (Central) Maurya Lok Complex, A - Block, IInd Floor Room No. 6/16 Patna



.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ajit Kumar, Adv.

For the Railway : Mr. Naresh Dikshit, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 14-05-2018

Heard counsel for the appellants and counsel for the Railways.

The writ application of the appellants was dismissed by the learned Single Judge for the reason that they were not the petitioners in the writ concerned which was filed at the point of time and the matter travelled to the Hon'ble Supreme Court. The other reason given is that there are no posts and positions available to be offered by way of regularization.

Irrespective of the two reasons provided by the learned Single Judge, counsel for the appellants does not seriously dispute the position that they had been hired by the contractor and they have been working for the contractor and not for the Railways. If there was any relationship between the Railways and hiring of these appellants may be the policy and the decision of the Hon'ble Supreme Court could have come into play, which was the case of *A.I. Railway Parcel & Goods Vs. Union of India and Ors.* reported in (2003) 11 SCC 590.



The submission of the counsel for the appellants that they are similarly placed is not appreciated by us for the reason that there is a big distinction between the persons who are working for a contractor on behalf of the Railways and the employees who have been hired even as daily wagers by the Railways.

In view of the above position, we do not want to interfere with the order of the learned Single Judge dated 21.08.2017.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/Devendra

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.05.2018
Transmission Date	NA

