

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.1330 of 2018**

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1. Bhim Paswan, son of Late Mahadeo Paswan, Handling Labourer, Gang No.- 7, Katihar Depot, Food Corporation of India, Mofarganj, P.S.- Sadar, District- Katihar.
  2. Jagdish Mandal, son of Late Kadam Lal Das Mandal, Gang No.- 5, Belami Depot, Food Corporation of India, P.S.- Mufassil, Ranipatra, District- Purnea.
  3. Kaushal Kishore Yadav, son of Late Surajdeo Yadav, Handling Labourer, Gang No.- 13, Gaya Depot, Food Corporation of India, Katari Hill, P.S.- Chandauti, District- Gaya.
  4. Surendra Das son of Late Kameshwar Das, Handling Labourer, Gang No.- 12, Gaya Depot, Food Corporation of India, Katari Hill, P.S.- Chandauti, District- Gaya.
  5. Md. Naseem Ansari, son of Late Md. Rajjak, Handling Labourer, Gang No.- 2, Muzaffarpur Depot, Food Corporation of India, Narayanpur Anant, P.S.- Sadar, District- Muzaffarpur.
  6. Shankar Mahto, son of Late Kailash Mahto, Sardar, Gang No.- 3, Makamah Depot, Food Corporation of India, P.S.- Mokamah, District- Patna.
  7. Siyaram Mahto, son of Late Sharan Mahto, Handling Labourer, Gang No.- 5, Phulwari Sharif Depot, Food Corporation of India, P.S.- Phulwari Sharif, District- Katihar.
  8. Prem Chand Rai, son of Shri Rama Rai, Sardar, Gang No.- 1, Phulwari Sharif Depot, Food Corporation of India, P.S.- Phulwari Sharif, District- Patna.
  9. Jai Krishna Prasad Yadav, son of Late Lakshmi Yadav, Sardar, Gang No.- 4, Saharsa Depot, Food Corporation of India, P.S.- Sadar, District- Saharsa.
  10. Ajay Rai, son of Shri Manchit Rai, Handling Labourer, Gang No.- 14, Phulwari Sharif Depot, Food Corporation of India, P.S.- Phulwari Sharif, District- Patna.
  11. Narayan Mahto, son of Late Bhagwan Mahto, Handling Labourer, Gang No.- 5, Mokamah Depot, Food Corporation of India, P.S.- Mokamah, District- Patna.

.... .... Petitioners

Versus

1. The Food Corporation of India through its Chairman-cum-Managing Director,



- Head Office 16-20, Barakhamba Lane, New Delhi- 1.
2. The Chairman-cum-Managing Director, Food Corporation of India, Head Office, 16-20 Barakhambha Lane, New Delhi- 1.
  3. The General Manager, Food Corporation of India, Regional Office, Arunachal Building, 3rd- 4th Floor, Exhibition Road, Patna- 11.
  4. The Area Manager (Patna), Food Corporation of India, Digha Ghat, Patna- 11.
  5. The Area Manager (Gaya), Food Corporation of India, Church Road, Gandhi Maidan, Gaya- 1.
  6. The Area Manager (Saharsa), Food Corporation of India, Bus Stand, Saharsa- 1.
  7. The Area Manager (Muzaffarpur), Food Corporation of India, Dakbunglow Road, Muzaffarpur-1.
  8. The Area Manager (Purnea), Food Corporation of India, Navratan Hata, Girija Chowk, Purnea- 1.
  9. The Area Manager (Katihar), Food Corporation of India, Navratan Hata, Girija Chowk, Purnea- 1.

..... Respondents  
with

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**Civil Writ Jurisdiction Case No. 5307 of 2018**

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1. Kishori Paswan son of Ramotar Paswan Handling Labourer, Gang No. - 3, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
2. Sohrai Mahto S/o Late Lali Mahto Handling Labourer, Gang No. - 3, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
3. Siyaram Saw S/o Mahabir Saw Handling Labourer, Gang No. - 3, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
4. Sanjay Kumar son of Gariban Jamadar Handling Labourer, Gang No. - 3, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
5. Dayanand Mahto S/o Nakat Mahto Handling Labourer, Gang No. - 3, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
6. Anandi Paswan son of Mathura Paswan Handling Labourer, Gang No. - 3, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
7. Ramadhar Paswan Son of Bishundeo Paswan, Handling Labourer, Gang No. - 3, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.



8. Suresh Ray Son of Yadu Rai Handling Labourer, Gang No. - 3, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
9. Bhushan Ram Son of Sitaram Ram Handling Labourer, Gang No. - 3, Mokama Depot, Food Corporation of India, P.S. - Mokamah, District - Patna.
10. Sikandar Paswan Son of Madan Paswan Handling Labourer, Gang No. - 4, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
11. Ajay Kumar Son of Gauri Mahto Handling Labourer, Gang No. - 4, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
12. Umesh Paswan Son of Jalo Paswan Handling Labourer, Gang No. - 4, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
13. Nawal Paswan Son of Sipahi Paswan Handling Labourer, Gang No. - 4, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
14. Mahesh Yadav Son of Banarsi Yadav Handling Labourer, Gang No. - 4, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
15. Shambhu Mahto Sn of Bishundev Mahto Handling Labourer, Gang No. - 4, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
16. Ramanuj Paswan Son of Basho Das Handling Labourer, Gang No. - 4, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
17. Suresh Yadav Son of Malik Yadav Handling Labourer, Gang No. - 3, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
18. Mahesh Ram Son of Ganauri Ram Handling Labourer, Gang No. - 4, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
19. Gopal Mahto S/o Chando Mahto Handling Labourer, Gang No. - 4, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
20. Amirak Yadav S/o Shital Yadav Handling Labourer, Gang No. - 4, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
21. Surendra Mahto S/o Daya Mahto, Mandal, Gang No. - 4, Mokamah Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
22. Karu Paswan S/o Babulal Paswan Handling Labourer, Gang No. - 5, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
23. Harinandan Paswan S/o Najo Paswan Handling Labourer, Gang No. - 5, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
24. Bijay Kumar S/o Ramswarup Mahto Handling Labourer, Gang No. - 5, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
25. Anil Kumar S/o Baldev Mahto Sardar, Gang No. - 5, Mokama Depot, Food



- Corporation of India, P.S. - Mokama, District - Patna.
26. Krishnandan Yadav S/o Rajo Yadav Handling Labourer, Gang No. - 5, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
27. Anil Mahto S/o Jhagar Mahto Handling Labourer, Gang No. - 5, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
28. Arvind Kumar S/o Gauri Mahto Handling Labourer, Gang No. - 5, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
29. Nawal Mahto S/o Devki Mahto Handling Labourer, Gang No. - 5, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
30. Parmeshwar Mahto S/o Balmiki Mahto Handling Labourer, Gang No. - 5, Makamah Depot, Food Corporation of India, P.S. - Mokamah, District - Patna.
31. Jitendra Paswan S/o Chamru Das Mandal, Gang No. - 5, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
32. Binod Kumar S/o Ajo Mahto Handling Labourer, Gang No. - 5, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
33. Chumban Yadav S/o Udagar Yadav Handling Labourer, Gang No. - 5, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
34. Mukesh Kumar S/o Bhaso Yadav Handling Labourer, Gang No. - 5, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
35. Dhiraj Yadav S/o Balmiki Yadav Handling Labourer, Gang No. - 5, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
36. Nande Paswan S/o Shivan Paswan Mandal, Gang No. - 6, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
37. Jeetu Yadav S/o Ramashish Yadav Handling Labourer, Gang No. - 6, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
38. Purushotam Yadav S/o Gopal Yadav Handling Labourer, Gang No. - 6, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
39. Chandra Bhushan Kumar S/o Yugal Yadav Handling Labourer, Gang No. - 15, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
40. Abodh Kumar S/o Shiv Das Handling Labourer, Gang No. - 15, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
41. Jagdish Sao S/o Kishun Sao Sardar, Gang No. - 15, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
42. Chandra Shekhar Kumar S/o Ghamandi Mahto Handling Labourer, Gang No. - 15, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.



43. Ajay Kumar S/o Ramdas Tanti Handling Labourer, Gang No. - 15, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
44. Jitendra Yadav S/o Ramji Yadav Handling Labourer, Gang No. - 15, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
45. Dilip Kumar S/o Lakshan Rai Handling Labourer, Gang No. - 15, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
46. Arvind Ram S/o Chalitar Ram Handling Labourer, Gang No. - 15, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
47. Kishun Dev Paswan S/o Sato Das Handling Labourer, Gang No. - 15, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
48. Amarjeet Kumar S/o Mahendra Mahto Handling Labourer, Gang No. - 15, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
49. Satrudhan Mahto S/o Chalitar Mahto Handling Labourer, Gang No. - 15, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
50. Vivekanand Mahto S/o Janardan Mahto Handling Labourer, Gang No. - 15, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
51. Mandan Mahto S/o Sukar Mahto Mandal, Gang No. - 15, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
52. Lukho Mahto S/o Late Thakuri Mahto Sardar, Gang No. - 10, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
53. Sato Prasad S/o Ramanand Mahto Mandal, Gang No. - 10, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
54. Manohar Mahto S/o Pukari Mahto Handling Labourer, Gang No. - 10, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
55. Yogendra Paswan S/o Banaras Das Handling Labourer, Gang No. - 10, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
56. Nanhak Mahto S/o Late Tanik Mahto Handling Labourer, Gang No. - 10, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
57. Arjun Mahto S/o Chandar Mahto Handling Labourer, Gang No. - 10, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
58. Dinesh Paswan S/o Bahadur Paswan Handling Labourer, Gang No. - 10, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
59. Jairam Yadav S/o Batan Yadav Handling Labourer, Gang No. - 10, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
60. Yogendra Paswan S/o Ramashish Paswan Handling Labourer, Gang No. - 10,



- Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
61. Rabindra Yadav S/o Ramotar Yadav Handling Labourer, Gang No. - 10, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
62. Prem Prakash S/o Sitaram Mahto Handling Labourer, Gang No. - 10, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
63. Shrawan Mahto S/o Dhano Mahto Handling Labourer, Gang No. - 10, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
64. Ramadhar Mahto S/o Jalo Mahto Handling Labourer, Gang No. - 12, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
65. Shankar Thakur S/o Ganga Thakur Handling Labourer, Gang No. - 4, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
66. Sikandar Kumar S/o Shiv Paswan Handling Labourer, Gang No. - 13, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
67. Kundan Kumar S/o Muso Nonia Handling Labourer, Gang No. - 3, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
68. Manoj Yadav S/o Raghunandan Yadav Handling Labourer, Gang No. - 13, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
69. Raghunandan Paswan S/o Keshri Paswan Sardar, Gang No. - 12, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
70. Binod Mahto S/o Suresh Mahto Handling Labourer, Gang No. - 12, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
71. Ramu Prasad Yadav S/o Shree Prasad Yadav Handling Labourer, Gang No. - 12, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
72. Prahlad Yadav S/o Bindi Yadav Handling Labourer, Gang No. - 12, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
73. Ganga Vishnu Tiwari S/o Raj Kishore Tiwari Handling Labourer, Gang No. - 12, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
74. Laddu Lal Mukhiya S/o Lagnu Mukhiya Handling Labourer, Gang No. - 12, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
75. Mithileshwar Kumar S/o Rajendra Paswan Handling Labourer, Gang No. - 12, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
76. Arvind Kumar S/o Rameshwar Ram Handling Labourer, Gang No. - 12, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
77. Jitan Mahto S/o Ishwar Mahto Handling Labourer, Gang No. - 12, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.



78. Ram Tirath Prasad S/o Nago Mahto Sardar, Gang No. - 13, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
79. Krishna Murari Mahto S/o Raj Kumar Mahto Handling Labourer, Gang No. - 13, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
80. Upendra Mahto S/o Dashrath Mahto Handling Labourer, Gang No. - 13, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
81. Shree Rai S/o Raghver Rai Handling Labourer, Gang No. - 13, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
82. Deosharan Mahto S/o Shravan Mahto Mangal, Gang No. - 2, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
83. Gandhari Mahto S/o Kunjal Mahto Handling Labourer, Gang No. - 2, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
84. Suraj Nonia S/o Sita Ram Nonia Handling Labourer, Gang No. - 2, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
85. Gopal Mahto S/o Shivnandan Mahto Handling Labourer, Gang No. - 2, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.
86. Saryug Mahto S/o Hemnarayan Mahto Sardar, Gang No. - 2, Mokama Depot, Food Corporation of India, P.S. - Mokama, District - Patna.

.... .... Petitioners

Versus

1. The Food Corporation of India through its Chairman Cum Managing Director, Head Office 16-20, Barakhamba Lane, New Delhi - 1.
2. The Chairman-cum-Managing Director, Head Office 16 - 20, Barakhamba Lane, New Delhi - 1.
3. The General Manager, Food Corporation of India, Regional Office, Arunachal Building, 3rd - 4th Floor, Exhibition Road, Patna - 11.
4. The Area Manager (Patna), Food Corporation of India, Digha Ghat, Patna - 11.

.... .... Respondents

with

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**Civil Writ Jurisdiction Case No. 5348 of 2018**

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1. Sunil Kumar, S/o Dev Sharan Yadav, Handling Labourer, Gang No.-2, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.



2. Vishwanath Prasad, S/o Raj Kumar Yadav, Handling Labourer, Gang No.-1, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
3. Shivnarayan Yadav, S/o Sidheshwar Yadav, Handling Labourer, Gang No.-3, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
4. Nagendra Kumar, S/o Jaigovind Yadav, Handling Labourer, Gang No.-3, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
5. Vijay Kumar, S/o Rambali Yadav, Handling Labourer, Gang No.-3, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
6. Ashok Kumar Paswan, S/o Bale Paswan, Mandal, Gang No.-1, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
7. Shiromani Paswan, S/o Ram Lagan Paswan, Handling Labourer, Gang No.-21, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
8. Harinandan Paswan, S/o Brahma Deo Paswan, Mandal, Gang No.-21, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
9. Shankar Kumar, S/o Kishori Das, Handling Labourer, Gang No.-21, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
10. Rajesh Jamadar, S/o Jugeshwar Jamadar, Handling Labourer, Gang No.-21, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
11. Rambriksha Paswan, S/o Late Siyaram Paswan, Handling Labourer, Gang No.-12, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
12. Janardan Prasad, S/o Ramashish Mahto, Handling Labourer, Gang No.-12, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
13. Ram Pravesh Mahto, S/o Lalo Mahto, Handling Labourer, Gang No.-12, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
14. Akhilesh Ray, S/o Radhakishun Ray, Handling Labourer, Gang No.-21, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
15. Mongali Rai, S/o Ramlal Rai, Handling Labourer, Gang No.-20, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
16. Lalan Manjhi, S/o Jagdish Manjhi, Handling Labourer, Gang No.-20, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
17. Ram Pravesh Manjhi, S/o Gaho Manjhi, Handling Labourer, Gang No.-20, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
18. Manohar Yadav, S/o Late Barho Yadav, Handling Labourer, Gang No.-20, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
19. Laldeo Paswan, S/o Ramkhelawan Paswan, Handling Labourer, Gang No.-2,





- Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
20. Parshuram Paswan, S/o Ambika Paswan, Handling Labourer, Gang No.-20, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
  21. Upendra Kumar, S/o Jagdeo Paswan, Handling Labourer, Gang No.-13, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
  22. Vijay Kumar Paswan, S/o Late Nanki Paswan, Handling Labourer, Gang No.-13, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
  23. Mahendra Paswan, S/o Shiv Sharan Paswan, Handling Labourer, Gang No.-1, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
  24. Chando Mahto, S/o \_\_\_\_\_, Handling Labourer, Gang No.-13, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
  25. Ramnarayan Paswan, S/o Rameshwar Paswan, Handling Labourer, Gang No.-13, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
  26. Karu Mahto, S/o Shoshan Mahto, Sardar, Gang No.-21, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
  27. Bindeshwar Yadav, S/o Late Shyam Lal Yadav, Sardar, Gang No.-20, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
  28. Ram Naresh Paswan, S/o Late Lakhan Paswan, Handling Labourer, Gang No.-20, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
  29. Mahendra Mahto, S/o Baunu Mahto, Handling Labourer, Gang No.-20, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
  30. Badri Kumar, S/o Rudal Mahto, Handling Labourer, Gang No.-20, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
  31. Guru Das, S/o Shiv Das, Handling Labourer, Gang No.-21, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.
  32. Nawal Kishore Mahto, S/o Late Devki Mahto, Handling Labourer, Gang No.-20, Gaya Depot, Food Corporation of India, P.S.- Gaya, District- Gaya.

.... .... Petitioners

Versus

1. The Food Corporation of India through its Chairman-cum-Managing Director, Head Office 16-20, Barakhamba Lane, New Delhi-1.
2. The Chairman-cum-Managing Director, Head Office 16-20, Barakhamba Lane, New Delhi-1.
3. The General Manager, Food Corporation of India, Regional Office, Arunachal



Building, 3rd-4th Floor, Exhibition Road, Patna-11.

4. The Area Manager (Gaya), Food Corporation of India, Gaya.

.... .... Respondents

with

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**Civil Writ Jurisdiction Case No. 5639 of 2018**

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1. Md. Mojibul Rahman, S/o Md. Manzoor, Handling Labourer, Gang No.-3, Jaynagar Depot, Food Corporation of India, Jaynagar, P.S.- Jaynagar, District-Madhubani.
2. Indra Kumar Ram, S/o Chalitar Ram, Handling Labourer, Gang No.-4, Jaynagar Depot, Food Corporation of India, Jaynagar, P.S.- Jaynagar, District-Madhubani.
3. Ram Narayan Sahni, S/o Dukhi Sahni, Handling Labourer, Gang No.-10, Jaynagar Depot, Food Corporation of India, Jaynagar, P.S.- Jaynagar, District-Madhubani.
4. Md. Jaffar, S/o Peer Mohammad, Handling Labourer, Gang No.-1, Jaynagar Depot, Food Corporation of India, Jaynagar, P.S.- Jaynagar, District-Madhubani.
5. Lalit Paswan, S/o Banarsi Paswan, Handling Labourer, Gang No.-9, Jaynagar Depot, Food Corporation of India, Jaynagar, P.S.- Jaynagar, District-Madhubani.
6. Mf. Firoz, S/o Md. Hamid, Handling Labourer, Gang No.-3, Jaynagar Depot, Food Corporation of India, Jaynagar, P.S.- Jaynagar, District-Madhubani.
7. Md. Lal, S/o Gafur Mian, Handling Labourer, Gang No.-4, Jaynagar Depot, Food Corporation of India, Jaynagar, P.S.- Jaynagar, District-Madhubani.
8. Raj Kumar Yadav, S/o Pulkat Yadav, Handling Labourer, Gang No.-4, Jaynagar Depot, Food Corporation of India, Jaynagar, P.S.- Jaynagar, District-Madhubani.
9. Prabhu Sahni, S/o Gulab Sahni, Handling Labourer, Gang No.-10, Jaynagar Depot, Food Corporation of India, Jaynagar, P.S.- Jaynagar, District-Madhubani.
10. Phool Babu Sahni, S/o Basudeo Sahni, Handling Labourer, Gang No.-2, Jaynagar Depot, Food Corporation of India, Jaynagar, P.S.- Jaynagar, District-



Madhubani.

11. Moti Sahni, S/o Yugeshwar Sahni, Handling Labourer, Gang No.-10, Jaynagar Depot, Food Corporation of India, Jaynagar, P.S.- Jaynagar, District-Madhubani.
12. Satto Sahni, S/o Late Anand Sahni, Handling Labourer, Gang No.-10, Jaynagar Depot, Food Corporation of India, Jaynagar, P.S.- Jaynagar, District-Madhubani.
13. Shibo Sahni, S/o Shivnandan Sahni, Handling Labourer, Gang No.-10, Jaynagar Depot, Food Corporation of India, Jaynagar, P.S.- Jaynagar, District-Madhubani.
14. Lal Bihari Sahni, S/o Late Baijnath Sahni, Handling Labourer, Gang No.-10, Jaynagar Depot, Food Corporation of India, Jaynagar, P.S.- Jaynagar, District-Madhubani.
15. Arun Kumar Chaudhary, S/o Janardan Chaudhary, Handling Labourer, Gang No.-10, Jaynagar Depot, Food Corporation of India, Jaynagar, P.S.- Jaynagar, District-Madhubani.

.... .... Petitioners

Versus

1. The Food Corporation of India through its Chairman-cum-Managing Director, Head Office 16-20, Barakhamba Lane, New Delhi-1.
2. The Chairman-cum-Managing Director, Head Office 16-20, Barakhamba Lane, New Delhi-1.
3. The General Manager, Food Corporation of India, Regional Office, Arunachal Building, 3rd-4th Floor, Exhibition Road, Patna-11.
4. The Area Manager (Jaynagar), Food Corporation of India, Madhubani.

.... .... Respondents

with

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**Civil Writ Jurisdiction Case No. 5649 of 2018**

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1. Upendra Mahto, S/o Shri Dipu Mahato, Handling Labourer, Gang No.-5, Muzaffarpur Depot, Food Corporation of India, Narayanpur Anant, P.S.- Sadar, District- Muzaffarpur.



2. Ravindra Kumar, S/o Challitar Mahto, Handling Labourer, Gang No.-11, Muzaffarpur Depot, Food Corporation of India, Narayanpur Anant, P.S.- Sadar, District- Muzaffarpur.
3. Krishna Mahto, S/o Waso Mahato, Handling Labourer, Gang No.-16, Muzaffarpur Depot, Food Corporation of India, Narayanpur Anant, P.S.- Sadar, District- Muzaffarpur.
4. Gagandeo Hajra, S/o Late Nathu Hajra, Handling Labourer, Gang No.-5, Muzaffarpur Depot, Food Corporation of India, Narayanpur Anant, P.S.- Sadar, District- Muzaffarpur.
5. Hussain Mian, S/o Sishaque Mian, Handling Labourer, Gang No.-5, Muzaffarpur Depot, Food Corporation of India, Narayanpur Anant, P.S.- Sadar, District- Muzaffarpur.
6. Suresh Mahto, S/o Shakal Mahato, Handling Labourer, Gang No.-12, Muzaffarpur Depot, Food Corporation of India, Narayanpur Anant, P.S.- Sadar, District- Muzaffarpur.
7. Ramashish Mahto, S/o Ramjee Mahato, Handling Labourer, Gang No.-5, Muzaffarpur Depot, Food Corporation of India, Narayanpur Anant, P.S.- Sadar, District- Muzaffarpur.
8. Dharamvir Kumar, S/o Babulal Mahato, Handling Labourer, Gang No.-5, Muzaffarpur Depot, Food Corporation of India, Narayanpur Anant, P.S.- Sadar, District- Muzaffarpur.
9. Dinesh Prasad, S/o Chandrika Mahato, Handling Labourer, Gang No.-1, Muzaffarpur Depot, Food Corporation of India, Narayanpur Anant, P.S.- Sadar, District- Muzaffarpur.
10. Bhagwan Prasad, S/o Ram Swarup Mahato, Handling Labourer, Gang No.-2, Muzaffarpur Depot, Food Corporation of India, Narayanpur Anant, P.S.- Sadar, District- Muzaffarpur.
11. Gadho Mahto, S/o Vrij Mahto, Handling Labourer, Gang No.-25, Muzaffarpur Depot, Food Corporation of India, Narayanpur Anant, P.S.- Sadar, District- Muzaffarpur.
12. Bhuneshwar Mahto, S/o Shanichar Mahato, Handling Labourer, Gang No.-5, Muzaffarpur Depot, Food Corporation of India, Narayanpur Anant, P.S.- Sadar, District- Muzaffarpur.
13. Surendra Mahto, S/o Late Virju Mahato, Handling Labourer, Gang No.-7, Muzaffarpur Depot, Food Corporation of India, Narayanpur Anant, P.S.- Sadar,



District- Muzaffarpur.

14. Ramakant Mahto, S/o Dhanraj Mahto, Handling Labourer, Gang No.-7, Muzaffarpur Depot, Food Corporation of India, Narayanpur Anant, P.S.- Sadar, District- Muzaffarpur.

.... .... Petitioners

Versus

1. The Food Corporation of India through the Chairma-cum-Managing Director, Head Office 16-20, Barakhamba Lane, New Delhi-1.
2. The Chairman-cum-Managing Director, Head Office 16-20, Barakhamba Lane, New Delhi-1.
3. The General Manager, Food Corporation of India, Regional Office, Arunachal Building, 3rd-4th Floor, Exhibition Road, Patna-11.
4. The Area Manager (Narayanpur Anant), Food Corporation of India, Muzaffarpur.

.... .... Respondents

with

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**Civil Writ Jurisdiction Case No. 5655 of 2018**

=====

1. Dayanand Ray, S/o Doman Ray, Sardar, Gang No.- 5, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
2. Arun Mahto, S/o Late Shadu Sharan Mahto, Handling Labourer, Gang No.- 5, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
3. Prabhu Saw, S/o Sri Rambriksha Saw, Handling Labourer, Gang No.- 5, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
4. Mohan Rai, S/o Asha Rai, Handling Labourer, Gang No.- 5, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
5. Chunchun Kumar, S/o Karu Thakur, Handling Labourer, Gang No.- 5, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
6. Niwas Mandal, S/o Mohan Mandal, Gang No.- 5, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
7. Pradeep Sahni, S/o Jamun Sahni, Handling Labourer, Gang No.- 5, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
8. Gobind Kumar Chaudhary, S/o Anandi Choudhary, Handling Labourer, Gang



- No.- 2, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
9. Kapil Deo Chaudhary, S/o Mahendra Chaudhary, Handling Labourer, Gang No.-1, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
10. Munnu Ram, S/o Prasadi Ram, Handling Labourer, Gang No.- 2, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
11. Rajendra Singh, S/o Anandi Singh, Handling Labourer, Gang No.- 3, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
12. Bijo Yadav, S/o Bato Yadav, Mandal, Gang No.- 2, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
13. Ramanand Roy, S/o Buchi Roy, Sardar, Gang No.- 7, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
14. Suresh Roy, S/o Vishwanath Roy, Handling Labourer, Gang No.- 7, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
15. Anil Poddar, S/o Jivach Poddar, Handling Labourer, Gang No.- 7, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
16. Anirudh Kumar Mandal, S/o Domi Mandal, Handling Labourer, Gang No.- 7, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
17. Binod Kumar Paswan, S/o Mahendra Paswan, Handling Labourer, Gang No.- 7, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
18. Raj Kumar Ray, S/o Sinhasan Ray, Handling Labourer, Gang No.-7, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
19. Shyamanand Ray, S/o Jhingur Ray, Handling Labourer, Gang No.- 7, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
20. Ramchandra Rai, S/o Nand Rai, Handling Labourer, Gang No.- 7, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
21. Ramji Mandal, S/o Narayan Mandal, Sardar, Gang No.- 4, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
22. Devanand Ram, S/o Dhanukdhri Ram, Handling Labourer, Gang No.- 5, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
23. Anil Paswan, S/o Akal Paswan, Handling Labourer, Gang No.- 4, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.
24. Manoj Kumar Prabhakar, S/o Jagdish Ram, Handling Labourer, Gang No.- 3, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.



25. Dinesh Kumar Sah, S/o Lakhan Sah, Handling Labourer, Gang No. 5, Katihar Depot, Food Corporation of India, P.S. Katihar, District-Katihar.
26. Yugal Paswan, S/o Shiv Narayan Paswan, Handling Labourer, Gang No.- 3, Katihar Depot, Food Corporation of India, P.S.- Katihar, District Katihar.

.... .... Petitioners

Versus

1. The Food Corporation of India through its Chairman-cum-Managing Director, Head Office 16-20, Barakhamba Lane, New Delhi-1.
2. The Chairman-cum-Managing Director, the Food Corporation of India, Head Office 16-20, Barakhamba Lane, New Delhi- 1.
3. The General Manager, Food Corporation of India, Regional Office, Arunachal Building 3rd 4th Floor, Exhibition Road, Patna- 11.
4. The Area Manager (Katihar), Food Corporation of India, Katihar.

.... .... Respondents

with

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**Civil Writ Jurisdiction Case No. 5686 of 2018**

=====

1. Ashok Kumar, Son of Janak Ray, Handling Labourer, Gang No.- 14, Fulwarisharif Depot, Food Corporation of India, P.S- Fulwarisharif, District-Patna.
2. Umesh Kumar, S/o – Doman Ray, Handling Labourer, Gang No.- 14, Fulwarisharif Depot, Food Corporation of India, P.S- Fulwarisharif, District-Patna.
3. Jainath Prasad, S/o Ram Pravesh Rai, Handling Labourer, Gang No..14, Fulwarisharif Depot, Food Corporation of India, P.S.-Fulwarisharif, District-Patna.
4. Umesh Rai, S/o Siyaram Rai, Handling Labourer, Gang No. 14, Fulwarisharif Depot, Food Corporation of India, P.S. Fulwarisharif, District- Patna.
5. Prabhu Dayal Rai, S/o Ganpat Rai, Handling Labourer, Gang no. 14, Fulwarisharif Depot, Food Corporation of India, P.S Fulwarisharif, District-Patna.
6. Ganesh Rai, S/o Chaneshwar Rai, Handling Labourer, Gang No. 14, Fulwarisharif Depot, Food Corporation of India, P.S Fulwarisharif, District-



Patna.

7. Lalan Prasad Sao, S/o- Late Rameshwar Sao, Handling Labourer, Gang No. 14, Fulwarisharif Depot, Food Corporation of India, P.S Fulwarisharif, District- Patna.
8. Ram Janam Rai, S/o- Amika Roy, Handling Labourer, Gang No. 14, Fulwarisharif Depot, Food Corporation of India, P.S Fulwarisharif, District- Patna.
9. Shiv Kumar Rai, S/o- Late Nageswar Rai Mandal, Gang No. 14, Fulwarisharif Depot, Food Corporation of India, P.S- Fulwarisharif, District- Patna.
10. Barister Rai, S/o- Jamuna Rai, Handling Labourer, Gang no. 14, Fulwarisharif Depot, Food Corporation of India, P.S Fulwarisharif, District- Patna.
11. Ram Prasad Rai, S/o Late Shiv Rai, Mandal, Gang no.7, Fulwarisharif Depot, Food Corporation of India, P.S Fulwarisharif, District- Patna.

..... Petitioners

Versus

1. The Food Corporation of India through its Chairman-cum-Managing Director , Head Office 16-20, Barakhamba Lane, New Delhi-1.
2. The Chairman-cum-Managing Director, Head Office 16-20, Barakhamba Lane, New Delhi-1.
3. The General Manager, Food Corporation of India, Regional Office, Arunachal Building, 3<sup>rd</sup> -4<sup>th</sup> floor, Exhibition Road, Patna-11.
4. The Area Manager (Fulwarisharif), Food Corporation of India, Patna.

..... Respondents

with

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**Civil Writ Jurisdiction Case No. 6072 of 2018**

=====

1. Ram Ratan Prasad Yadav, S/o Satya Narayan Yadav, Handling Labourer, Gang No.- 4, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
2. Rajendra Prasad Yadav, S/o Dunilal Yadav, Handling Labourer, Gang No.- 7, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
3. Abdhesh Rishideo, Bhutto Rishideo, Handling Labourer, Gang No.- 4, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.





4. Janardan Prasad Yadav, S/o Munnilal Yadav, Handling Labourer, Gang No.- 7, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
5. Sitaram Sharma, S/o Shibu Sharma, Handling Labourer, Gang No.- 4, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District-Saharsa.
6. Umesh Sharma, S/o Dashrath Sharma, Handling Labourer, Gang No.- 1, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
7. Maneshwar Sharma, S/o Late Chulhai Sharma, Handling Labourer, Gang No.- 1, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
8. Mahabir Yadav, S/o Guneshwar Yadav, Handling Labourer, Gang No.- 4, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
9. Prakash Sharma, S/o Puran Sharma, Handling Labourer, Gang No.- 7, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
10. Md. Allaudin, S/o Hanif Mian, Handling Labourer, Gang No.- 7, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
11. Chandeshwari Prasad Yadav, S/o Turanti Yadav, Handling Labourer, Gang No.- 7, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
12. Krishnanand Yadav, S/o Dunilal Yadav, Handling Labourer, Gang No.- 7, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
13. Vijaylal Yadav, S/o Gorelal Yadav, Handling Labourer, Gang No.- 4, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
14. Krishna Paswan, S/o Ramkrit Paswan, Handling Labourer, Gang No.- 7, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
15. Lakhan Prasad Yadav, S/o Bhuvneshwar Prasad Yadav Rishideo, Handling Labourer, Gang No.- 7, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
16. Roshan Kumar, S/o Umeshchandra Yadav, Handling Labourer, Gang No.- 6, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
17. Laxmi Sah, S/o Ragho Sah, Handling Labourer, Gang No.- 2, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
18. Garbhu Sharma, S/o Janak Sharma, Handling Labourer, Gang No.- 7, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
19. Arun Kumar Yadav, S/o Rajendra Yadav, Handling Labourer, Gang No.- 2, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
20. Jogi Yadav, S/o Musafir Yadav, Handling Labourer, Gang No.- 7, Saharsa



- Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
21. Sikandra Sharma, S/o Vinda Sharma, Handling Labourer, Gang No.- 7, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
  22. Ramkrishna Yadav, S/o Ram Govind Yadav Handling Labourer, Gang No.- 2, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
  23. Mohan Kumar Paswan, S/o Prabhu Paswan, Handling Labourer, Gang No.- 1, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
  24. Arun Kumar, S/o Late Sukhdeo Sharma, Handling Labourer, Gang No.- 1, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
  25. Sikendra Kumar, S/o Rameshwar Sharma, Handling Labourer, Gang No.- 1, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
  26. Laxmi Sharma, S/o Late Buchi Sharma, Handling Labourer, Gang No.- 3, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
  27. Shivjee Paswan, S/o Mukti Paswan, Handling Labourer, Gang No.- 1, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
  28. Gauri Shankar Sharma, S/o Sukhdeo Sharma, Handling Labourer, Gang No.- 1, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
  29. Nirmal Kumar Yadav, S/o Deodat Yadav, Handling Labourer, Gang No.- 4, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
  30. Bijendra Kumar, S/o Janardan Yadav, Handling Labourer, Gang No.- 4, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
  31. Arvind Kumar Yadav, S/o Radhey Yadav, Handling Labourer, Gang No.- 4, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
  32. Mantun Mahto, S/o Turanti Mahto, Handling Labourer, Gang No.- 1, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
  33. Unit Sharma, S/o Mukhli Sharma, Handling Labourer, Gang No.- 2, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.
  34. Chandrakishor Yadav, S/o Ghaneshwar Sharma, Handling Labourer, Gang No.- 7, Saharsa Depot, Food Corporation of India, P.S.- Saharsa, District Saharsa.

.... .... Petitioners

Versus

1. The Food Corporation of India through Its Chairman Cum Managing Director , Head Office 16-20, Barakhamba Lane, New Delhi-1.



2. The Chairman-cum-Managing Director, The Food Corporation of India, Head Office 16-20, Barakhamba Lane, New Delhi-1.
3. The General Manager, Food Corporation of India, Regional Office, Arunachal Building, 3<sup>rd</sup>-4<sup>th</sup> Floor, Exhibition Road, Patna-11.
4. The Area Manager (Saharsa), Food Corporation of India, Saharsa.

.... .... Respondents

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**Appearance :**

(In CWJC No.1330 of 2018)

For the Petitioner/s : Mr. Rajendra Narayan, Sr. Adv.  
Mr. Gyanendra Kumar Singh, Adv.

For the Respondent/s : Mr. Prabhakar Tekriwal, Adv.

(In CWJC No.5307 of 2018)

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Adv.

For the Respondent/s : Mr. Dinbandhu Mishra, Adv.

(In CWJC No.5348 of 2018)

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Adv.

For the Respondent/s : Mr. Dinbandhu Mishra, Adv

(In CWJC No.5639 of 2018)

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Adv.

For the Respondent/s : Mr. Dinbandhu Mishra, Adv

(In CWJC No.5649 of 2018)

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Adv.

For the Respondent/s : Mr. Dinbandhu Mishra, Adv

(In CWJC No.5655 of 2018)

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Adv.

For the Respondent/s : Mr. Dinbandhu Mishra, Adv

(In CWJC No.5686 of 2018)

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Adv.

For the Respondent/s : Mr. Dinbandhu Mishra, Adv

(In CWJC No.6072 of 2018)

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Adv.

For the Respondent/s : Mr. Dinbandhu Mishra, Adv

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**ORAL JUDGMENT**

**Date: 18-05-2018**

Heard Mr. Rajendra Narayan, learned Senior Advocate appearing for the petitioners in these writ petitions and Mr. Prabhakar Tekriwal and Mr. Dinbandhu Mishra, learned advocates for the respondents.

2. The prayer of the respective petitioners in these writ petitions is common. They have prayed for quashing of the Circular Nos. 08 of 2016 and 01 of 2017 dated 17.08.2016 and 17.01.2017 respectively issued by the Food Corporation of India (for short 'FCI') whereby and whereunder recovery with effect from 01.12.2005 of amount paid to the workmen in excess under Piece Rated Incentives Scheme for handing bags has been ordered.

3. A counter- affidavit has been filed on behalf of respondents in CWJC No.1330 of 2018 through Mr. Tekriwal, learned advocate. Mr. Dinbandhu Mishra, learned advocate appearing for the respondents in the other writ petitions submitted that since challenge in all the writ petitions is to the circular issued by the FCI, the respondents shall place reliance on the stand taken in the counter-affidavit filed in CWJC No. 1330 of 2018. He submitted that no separate counter-affidavit is required to be filed in other writ petitions.



4. Mr. Rajendra Narayan, learned Senior Advocate submitted that the decision of the respondents to recover excess wage incentive from workers paid for handling bags since 01.12.2005 is illegal, unjust and arbitrary and the same would cause extreme hardship to the petitioners and their family members. He submitted that the circulars in question cannot be allowed to be implemented with retrospective effect as they are contrary to the ratio laid down by the Supreme Court in **State of Punjab & Ors. vs. Rafiq Masih (White Washer) [(2015) 4 SCC 334]**.

5. On the other hand, Mr. Prabhakar Tekriwal and Mr. Dinbandhu Mishra, learned advocates appearing for the respondents submitted that the Management of the FCI has rightly issued the Circulars in question as excess amount was paid to the workers because of legal impediment of pendency of an industrial dispute pending before the Central Government Industrial Tribunal (for short 'Tribunal'). He submitted that the Corporation stayed the operation of its circular dated 15.12.2005 vide order dated 12.04.2006 in view of Section 33(1)(a) of the Industrial Disputes Act, 1947 (for short 'ID Act'). However, since the Tribunal passed its award dated 05.07.2016 holding that the demand of labour unions for withdrawal of Circular No. 18 of 2005 dated 15.12.2005 is neither legal nor justified. The Management of the FCI decided



to implement the said circular and issued the circulars under challenge, which can neither be said to be arbitrary nor unjust.

6. Having heard rival contentions advanced by the parties, before coming to any conclusion, I deem it appropriate to take note of admitted facts of the case first.

7. Pursuant to negotiations held with the FCI workers' union in respect of demand raised regarding revised piece rated incentive scheme for departmental workers of the FCI, a bipartite settlement was arrived at under Section 18(1) of the ID Act and Rule 58 of the Industrial Disputes (Central) Rules, 1957 between the management and FCI workers' union on 13.03.1999 whereafter a revised piece rated incentive scheme for departmental workers of the FCI was introduced, which came into force with effect from 01.04.1998. At the relevant time handling norms were fixed and adopted for departmental workers for bags each weighing 66-95 kg and also for bags weighing less than 66 kg each. The majority of the bags were of 95 kg and above. Subsequently, on recommendation of International Labour Organizations, size of food grain bags were reduced to 50 kg each by the FCI. Hence, the FCI felt a need to have separate handling norms for handling 50 kg bags by departmental workers. For the said purpose, Saxena Committee was constituted for evolving suitable handling norms by



the FCI. The said committee made deliberations on the issue and suggested norms for various operations for handling bags weighing upto 50 kg by departmental workers. Based on the recommendations of the committee, the Management of FCI approved a piece rated incentive scheme for handling bags each weighing upto 50 kg by departmental workers working in the godowns .

8. Thus, vide Circular No. 18 of 2005 dated 15.12.2005, as contained in annexure 3 to the writ petition, it was decided to regulate payment of incentive wage to the departmental workers for handling bags up to 50 kg each as per the revised piece rated scheme with effect from 01.12.2005.

9. Being aggrieved by Circular No. 18 of 2005, the labour unions raised dispute, which was referred to the Conciliation Officer for conciliation. Since the conciliation proceeding failed, the matter was referred to the Tribunal under sub-section (1) and Section (2-A) of Section 10 of the ID Act for adjudication. The reference reads as under:-

“Whether the demand of the Union for withdrawing new incentive scheme announced vide Circular No. 18 of 2005 dated 15.12.2005 is legal and justified ? if not, to what relief, the



workmen entitled ?”

10. During pendency of the dispute before the Tribunal, the FCI out of its own stayed the operation of its circular dated 15.12.2005. Subsequently, vide its award dated 05.07.2016, the Tribunal held that the demand of the union for withdrawal of Circular No. 18 of 2015 dated 15.12.2005 is neither legal nor justified under the law and reference was answered accordingly. Thereafter, the respondent FCI issued Circular No. 8 of 2016 dated 17.08.2016 and Circular No. 01 dated 17.01.2017 for recovery of excess wage incentive paid to the workers for handing bags since 01.12.2005.

11. Having noticed the admitted facts of the case and submissions made on behalf of the parties, now the question before this court is as to whether the two circulars in question issued by FCI whereby recovery of amount paid to the workers in excess has been ordered are legal and justified.

12. Admittedly, the aforestated workers are Class IV Employees of the FCI. The reference regarding the legality of the circular dated 15.12.2005 has been upheld by the Tribunal. However, in view of the pendency of the proceeding before the Tribunal, the FCI out of its own, had stayed the implementation of circular dated 15.12.2005 till the adjudication of the dispute by the





Tribunal.

13. An argument has been advanced by the learned Senior Advocate appearing for the petitioners that in view of the ratio laid down by the Supreme Court in **Rafiq Masih**'s case, the recovery of excess amount paid to the workers under the Piece Rated Incentive Scheme could not have been ordered from the workers as they are Class IV employees whereas the respondents have argued that the implementation of Circular No.18 of 2005 dated 15.12.2005 was stayed by the respondents in view of the statutory provisions prescribed under Section 33(1)(a) of the ID Act. On the basis of this plea, the respondents have tried to justify their action for recovery of the so-called excess payment made to the workers of the FCI for handling bags since 01.12.2005.

14. Section 33 of the ID Act broadly prescribes prejudicial alterations in the conditions of service and disciplinary action when either are connected with the pending dispute and affect those employees concerned in such dispute save with express written permission of the authority before which the proceeding is pending. However, under sub-section (2) of Section 33 of the ID Act, the employer may alter the conditions of service of the workman concerned in the pending dispute in regard to any matter not connected with the dispute. The application under Section 33 for



permission following Rule 60(1) become necessary by reason of the ban imposed by the legislature on the employer from altering to the prejudice of the workmen concerned in the conditions of service applicable to them before the commencement of the conciliation or adjudicatory proceeding.

15. In the instant case, the respondents have never ever pressed their request for implementation of decision taken vide Circular No. 18 of 2005 rather by issuing Circular No. 5 of 2006 dated 20.02.2006, they themselves stayed operation of the Circular of 2005.

16. It would be pertinent to note that while passing the award, the Tribunal has not ordered for recovery of excess wage incentive from the workers paid for handling bags since 01.12.2005. The issue was not even pressed as an ancillary issue by the respondents before the Tribunal. As the respondents themselves stayed the implementation of Circular No. 18 of 2005 vide Circular No. 5 of 2006 dated 20.02.2006, as a result of which, the workmen were getting their wages as was being paid to them prior to issuance of Circular No. 18 of 2005, the wages paid to the workers were neither illegal nor unjustified and the payment was result of a conscious decision of the respondents to continue with the payment to the workmen as was the norms existing prior to issuance of



Circular No. 18 of 2005.

17. It is also not the case of the respondents that the workmen had made any misrepresentation or committed any fraud in obtaining the wages for handling bags since 01.12.2005.

18. In **State of Punjab & Ors. vs. Rafiq Masih** (Supra), the Supreme Court has ruled that such recovery would cause extremely harsh consequences to such employees, who are totally dependent of their wages to run their family. The Supreme Court observed that employees of lower rung of service would spend their entire earnings in the upkeep and welfare of their family, and if such excess payment is allowed to be recovered from them, it would cause them far more hardship, than the reciprocal gains to the employer. The observations made by the Supreme Court in this regard are extracted hereunder :-

“We are therefore satisfied in concluding, that such recovery from employees belonging to the lower rungs (i.e., Class-III and Class-IV sometimes denoted as Group 'C' and Group 'D') of service, should not be subjected to the ordeal of any recovery, even though they were beneficiaries of receiving higher emoluments, than were due to them. Such recovery would be



iniquitous and arbitrary and therefore would also breach the mandate contained in [Article 14](#) of the Constitution of India.”

19. The Supreme Court further held that the employees’ right to recover has to be compared with the effect of the recovery on the concerned employee and if the effect of the recovery from the concerned employee would be more unfair, more wrongful, more improper, and more unwarranted, than the corresponding right of the employer to recover the amount, which would make it iniquitous and arbitrary, to effect the recovery in such a situation the employee's right would outbalance, and therefore eclipse, the right of the employer to recover. While concluding the Supreme Court summarized following few situations wherein recovery by the employers has been held to be impermissible in law:-

“(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from employees, when the excess



payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.”

20. Thus, keeping in mind the ratio laid down by the Supreme Court in **State of Punjab & Ors. vs. Rafiq Masih** (Supra), in the opinion of the Court, the decision of the respondents to recover so called excess amount paid to the workmen in excess under Piece Rated Incentive Scheme for handing bags since 01.12.2005 would be unfair, wrongful, improper and unwarranted and such deduction from salary or retirement benefits of the workmen would put them in extreme hardship and would make it



difficult for them to provide for the need of their family.

21. In view of the discussions made above, the writ petitions are allowed. The impugned Circular Nos. 08 of 2016 and 01 of 2017 dated 17.08.2016 and 17.01.2017 respectively issued by the respondents are hereby quashed.

**(Ashwani Kumar Singh, J.)**

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