

LPA No.1563 of 2017 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

LPA No.1563 of 2017 (O&M)

Date of decision : 10.10.2018

Food Corporation of India Handling-Workers' Union
(Regd.)

... Appellant

Versus

Food Corporation of India and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Ashwani Bakshi, Advocate
for the Appellant.

Mr. Atul Gaur, Advocate for
Mr. Sumeet Goel, Advocate
for the respondents.

MAHESH GROVER, J. (ORAL)

The present appellant-writ petitioner has questioned the validity of the draft/final seniority list of contract labour in FCI depots under Notification dated 07.02.2011 for implementation of No Work No Pay (NWNP) system at Food Store Depot, Palwal.

In fact the term seniority list comes across as a misnomer as it was intended for absorption of contract labour in terms of the policy reflected in the notification. Learned Single Judge declined interference as the writ petition has been preferred by the Workers' Union and was of the opinion that seniority list and its workability in terms of the scheme would be a cause available to an individual in the event of any violation.

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We would have no reasons to disagree with the observations of the learned Single Judge.

The writ petition by the Workers' Union was clearly incapable of being answered. The aberration or violation, if any, would necessarily relate to an individual and open a cause to him to agitate in appropriate proceedings. It is quite possible that in final workability of the list, there might not be any violation at all.

We also notice from the reply submitted by the Food Corporation of India that the interest of the Workers' Union was adequately safeguarded as prior to adoption of the scheme, objections were invited from the Union as also from the individual workers and duly taken into account.

It is, therefore, merely a question of workability of the scheme and in execution, if some violation takes place, it would essentially relate to individual to open a cause to be agitated before the Court by him alone.

That apart from, we notice that the appeal is also barred by delay of 138 days in filing, which has not been explained satisfactorily. No ground is made out for interference. Hence, the present appeal is hereby dismissed.

**(MAHESH GROVER)
JUDGE**

**(AMIT RAWAL)
JUDGE**

10.10.2018
Yogesh Sharma

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**