

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8922 of 2022

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Deepak Kr. Singh @ Ghanti S/o Indradeo Prasad Singh R/o 798-A New Central Colony, Din Dayal Upadhyay, P.S.- Chandauli, Distt- Varanasi, (Uttar Pradesh), Contactor cum Managing Director, Young India Bengal Co operative Labour Contract Society Ltd. 1411, Niroda Viar, Mallik Road, Kolkatta- 700006 (West Bengal).

... .. Petitioner/s

Versus

1. The Union of India through Divisional Mechanical Engineer (chg. and EnHM), Eastern Central Railway Din Dayal Upadhyay.
2. The Divisional Mechanical Engineer (chg. and EnHM), Eastern Central Railway, Din Dayal Upadhyay.
3. Works Man Comensation Commissioner, Magadh Division, Gaya.
4. Satrudhan Prasad S/o Late Rajendra Prasad R/o Mohalla Loco Colony, PS-Delha, Distt- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Union of India	:	Mr. Awadhesh Kr. Pandey, Sr. Panel Counsel Mr. T.N. Thakur, CGC

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 23-11-2022

None appears for the petitioner.

In this petition, petitioner has prayed for the following
relief:-

“ That the petitioner by the present writ application challenges the legality and validity of letter dt. 24/03/2022 issued under signature of respondent no. 2, based on order dt. 11/01/17 passed in CWC no. 29/16 passed by respondent no. 3, by which respondent no. 2 has asked the petitioner to submit the view for deduction of amount of compensation awarded to respondent no. 4 by respondent



no. 3 is directed in the following facts and circumstances of the case.”

Communication dated 24.03.2022 reads as under:-

*“East Central Railway
DDU
No. CWC 29/2016
Deepak Kumar Singh,
S/O Inderdeo Prasad Singh,
R/O 798-A, New Central Colony,
Mughalsarai, PS-Chandauli,
Distt.- Varanasi (U.P),
Contractor cum Managing Director of,
Young Bengal Co operative Labour Contract
Society Ltd.,
14/1, Nirode Behari Mullick Road,
Kolkata-700006.*

*Sub:- Regarding CWC order
(CaseNo.29/16) for payment of Rs.
9,09,888/- with 12% interest to Dy.
Labour Commissioner Cum Commissioner
Workman Compensation/Gaya.
Ref:-i) This office L.No. CWC 29/2016,
dtd. 23.10.2018 & 03.02.2022.
ii) CWC letter regarding case no. 29/2016,
dated: 06.01.2022.
iii) Your L.N. Nil Dated:23.03.2022*

Vide ref. (i) above, you were asked for submission of your view regarding payment of Rs. 9,09,888/- with 12% interest from the date of accident i.e. 04.06.2016 to till the date of actual payment to Dy.Labour Commissioner Cum Commissioner Workman Compensation/Gaya. Now, again Dy. Labour Commissioner Cum Commissioner Workman Compensation/Gaya vide ref. (ii) above, have directed for payment of the same at the earliest.

Vide ref.(iii) above you submitted letter to this office with certificate from your lawyer that CWC case No. 29/2016 is pending for hearing on date 19.04.2022 but after checking the status by our Law section it has come to notice of this office that Case is already disposed on 21.06.2019 by the Hon'ble Court (Copy of the Order by Hon'ble Court is attached with this letter). Further, law section has also directed for compliance of order of letter of Hon'ble Dy.



Labour Commissioner/Gaya Dated: 06.01.2022 at the earliest for avoiding any legal complications.

If you have any issue regarding the same you must present yourself & provide the information to the undersigned within 3 days' after receiving this letter else it will be assumed that there is no any objection from your end. Since, subject matter is pertaining to a contract between your firm & Railways and as per contract condition Railway will process further as per the provision of Workmen's Compensation Act.

Please treat it as most important and urgent.

*DME(Chg. & EnHM),
E.C. Railway, DDU.*

Copy to:

i). Law Officer/DDU for kind information please."

In the light of the contents of the communication dated 24.03.2022, the present petition is premature. Author of the communication dated 24.03.2022 has requested the petitioner to appear himself and to provide information to the author of the communication. Instead of approaching the author of the communication dated 24.03.2022 petitioner has presented this petition.

Accordingly, the present petition stands dismissed as premature.

The petitioner is hereby directed to approach author of the communication dated 24.03.2022 within a period of two weeks from today. In the event of petitioner approaching author of the communication dated 24.03.2022, the concerned authorities is hereby directed to take note of petitioner's presence and furnishing



of any material information and proceed further in accordance
with law.

(P. B. Bajanthri, J)

abhishekk/-

AFR/NAFR	
CAV DATE	
Uploading Date	28.11.2022
Transmission Date	

