

10-14
Court
No. 11
G.S.Das

18.07.2022

**MAT 120 of 2022
With
CAN 2 of 2022**

**Rajender @ Rajendra Yadav
-Vs-
Union of India & Ors.**

With

**MAT 121 of 2022
With
CAN 2 of 2022**

**Shripati Yadav
-Vs-
Union of India & Ors.**

With

**MAT 122 of 2022
With
CAN 2 of 2022**

**Tejan Yadav
-Vs-
Union of India & Ors.**

With

**MAT 211 of 2022
With
CAN 2 of 2022**

**Baban Yadav
-Vs-
Union of India & Ors.**

With

**MAT 215 of 2022
With
CAN 2 of 2022**

**Gouri Shankar Yadav
-Vs-
Union of India & Ors.**

*Mr. Rananesh Guha Thakurta
Ms. Senjuti Sengupta
Mr. Sk. Abdul Nasir*

... for the Appellants

Mr. Sanajit Kumar Ghosh

... for the Respondents

Mr. Guha Thakurta, Learned Counsel, appears for the appellants in each of the appeals with Ms. Senjuti Sengupta, Learned Counsel and Mr. Abdul Nasir, Learned Advocate.

Mr. Sanajit Kumar Ghosh, Learned Counsel, appears for the Railway Respondents in each of the appeals.

Under challenge in this bunch of analogous appeals are the common findings of the Hon'ble Single Bench in all the writ petitions holding, *inter alia*, that the writ petitioners/the appellants having failed to prove/substantiate their claims before the Railway Respondents *qua* they being Licensed Porters, such failure on the part of the writ petitioners/the appellants goes to the root of their challenge to be treated as Licensed Porters by the Railways.

The writ petitions stood thus dismissed.

Pursuant to the challenge being mounted to the above findings of the Hon'ble Single Bench, these appeals were filed.

Also pursuant to the Order dated 2nd May, 2022 of this Hon'ble Court the Railway Respondents were directed to file a Report with regard to the Transfer of Badges of the Porters. Such Report has been filed by the Senior Divisional Commercial Manager, Eastern Railway, Sealdah Division through Mr. Ghosh, Learned Counsel appearing for the Railway

Respondents.

Mr. Guha Thakurta, Learned Counsel, appearing for the appellants with Ms. Sengupta, Learned Counsel, submits that no Exception to the Report (*supra*) could be filed. However, the appellants intend to place their submissions with regard to certain portions of the Report (*supra*) which, according to the appellants, require clarification.

Heard the parties.

Considered the materials placed.

This Court finds the Report dated 2nd May, 2022 of the Railway Respondents to be comprehensive.

The Report (*supra*), *inter alia*, speaks of the Railway Board's Guidelines for Transfer of Badges of Licensed Porters. It also speaks of the procedure for applying for transfer of the said Badges to a family member or a near relative of a Licensed Porter.

The Report (*supra*) further speaks of the steps taken at the competent Divisional level of the Railways to consider the applications of Licensed Porters to be appointed as Gangmen.

The Report (*supra*) points out that a total number of 1651 Licensed Porters applied for change in position to that of Gangmen. The applications included the present appellants/the writ petitioners.

Thereafter, the Review Committee of the Railway Respondents screened the applications of 32 Licensed

Porters which were also rejected.

The persons whose applications were reviewed and again rejected included the writ petitioners/the present appellants.

Detailed reasons in the Report (*supra*) have been offered for such rejection. It transpires that the appellants were unable to satisfy the Screening Committee and the Review Committee with regard to their credentials to hold the Badges of Licensed Porters in the first place.

The Railways accordingly found the claims of the rejected candidates to be lacking in conformity with the Railway Board's Guidelines.

The appellants submit that with regard to the clarifications sought by the appellants *qua* the Report of the Railways (*supra*), no further or other documentary evidence is available with them.

In the conspectus of the above facts and circumstances, this Court finds no infirmity in the decision-making process and the Order of the Hon'ble Single Bench dated 03.08.2017 stands therefore sustained.

MAT 120 of 2022 with CAN 2 of 2022; MAT 121 of 2022 with CAN 2 of 2022; MAT 122 of 2022 with CAN 2 of 2022; MAT 211 of 2022 with CAN 2 of 2022 and, MAT 215 of 2022 with CAN 2 of 2022 stand accordingly dismissed.

All parties to act on a server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Lapita Banerji, J.)

(Subrata Talukdar,J.)