

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 2305 of 2019

1. Arun Kumar Singh, son of Late Durga Singh
2. Sunil Mahto, son of Shiv Dayal mahto
3. Roshan Ara, W/o Phhol Mohammad
4. Phool Mohammad, son of Late Rahamatullah
5. Mahavir Gope, son of Aghnu Gope
6. Jiban Mandal, son of Late Atul Chandra
7. Meera Mandal, W/o Jiban Mandal
8. Puran Gope, son of Aghnu Gope
9. Bharat Mahto, son of Hublal Mahto
10. Raju Mahto, son of Late Premlal Mahto
11. Mahanand Prasads
12. Surendra Prasad, son of Umacharan Mahto
13. Gopal Mahto, son of Late Megan Mahto
14. Krishna Thaku, son of Laxmi Thakur
15. Nandlal Manjhi, son of Late Maasoo Manjhi
16. Hari Prasad Mahto, S/o Amrit Mahto
17. Virendra Mahto, S/o Ketak Mahto
18. Rameshwar Murmu, S/o Biru Manjhi
19. Santosh Mahto, S/o Patwari Mahto
20. Koleshwar Mahto, S/o Gopal Mahto
21. Thakur Mahto, S/o Pandku Mahto
22. Moti Mahto, S/o Late Nunu Baba
23. Mohan Mahto, S/o Harkhu Mahto
24. Jagdish Mahto, S/o Late Charku Mahto
25. Binod Mahto, S/o Late Charku Mahto
26. Binod Kumar Singh, S/o Ramayatan Singh
27. Birendra Singh, S/o Nathuni Singh
28. Uttam Kumar Chatterjee, S/o Gopal Chatterjee
29. Saraswati Chatterjee, W/o Uttam Kumar
30. Sadhna Devi, W/o Late Ganesh Sao
31. Maya Chatterjee, W/o Sukhdeo Singh
32. Shantanu Dutta, S/o Late Manoranjan Dutta
33. Sumitra Devi, W/o Late Lalan Singh
34. Ashu Devi, W/o Radha Govinda Khewat
35. Fula Devi, W/o Birendra Singh
36. Rameshwar Mahto, S/o Late Baijnath Mahto
37. Pundeo Prasad Mahto, S/o Late Raj Kishore Mahto
38. Mahendra Mahto, S/o Late Baijnath Mahto
39. Arjun Ganjhu, S/o Late Chetlal Ganjhu
40. Kamal Kishore Singh, S/o Durga Prasad Singh
41. Kalyani Bouri, W/o Late D.D. Bouri
42. Sabeena Khatoon, W/o Md. Sujauddin
43. Madhusudan Rajwar, S/o Mukhteshwar Rajwar
44. Jahnabi Hansda, W/o Panchanan Hansda
45. Janani Murmu, W/o Late Vibhishan Murmu
46. Bibhuti Bouri, S/o Late Shashi Bouri
47. Manoj Burnwal, S/o Late Dwarka Burnwal
48. Ruplal Mahto, S/o Nandlal Mahto
49. Govind Mahto, S/o Late Dhunanjay Mahto
50. Manjri Devi, W/o Meghlal Mahto
51. Mohan Mahto, S/o Late Bano Mahto
52. Shankar Manjhi, S/o Late Jageshwar Manjhi
53. Samala Devi, W/o Vibhuti Bauri

54. Sunil Singh, S/o Late Dinnarayan Singh
55. Sukhdeo Mahto, S/o Late Budhan Mahto
56. Kavita Modak, W/o Rasbihari Modak
57. Kuresha Khatoon, W/o Ghulam Qadir Khan
58. Nanki Devi, W/o Kailash Mahto
59. Khiru Mahto, son of Late Tilak Mahto
60. Bhusiya Devi W/o Late Basudev Kewat
61. Mantu Kumar Rajak, son of Kanthi Rajak
62. Sumitra Devi, W/o Badal Rajak
63. Bharti Devi, W/o Krishna Rajak
64. Santosh Kumar Rajak @ Santosh Kumar, son of Late Rameshwara Prasad
65. Shankar Rawjak, son of Kanthi Rajak
66. Khemlal Rajak, son of Hari Rajak
67. Sajni Devi, W/o Rameshwar Mahto

... ... **Petitioners**

Versus

1. Union of India through Chairman-Railway Board, Rail Bhawan, Rafi Marg, New Delhi, P.O. & P.S. New Delhi, District- Delhi.
2. General Manager, East Central Railways, Hazipur, P.O. & P.S. & District- Hazipur, Bihar
3. Divisional Railway Manager, Dhanbad, East Central Railway, Dhanbad, P.O. & P.S. & District- Dhanbad.
4. The Chief Personal Officer, East Central Railway, Hajipur, P.O. P.S. & District- Hajipur (Bihar).
5. Senior, D.P.O, Eastern Central Railway, Dhanbad, P.O., P.S. & District- Dhanbad.
6. General Manager, Eastern Railway, Kolkata, Fairly Place, P.O., P.S. & District- Kolkata (West Bengal).
7. Divisional Railway Manager, Samastipur, P.O., P.S. & District- Samastipur (Bihar).

... ... **Respondents**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioners	: Mr. Sidhartha Roy, Advocate
For the Respondents	: Mr. Navneet Sahay, Advocate

12/08.06.2022

Counsel for the parties are present.

2. This writ petition has been filed for the following reliefs:

“For issuance of an appropriate writ/writs for the following reliefs commanding upon the respondents to consider the regular absorption of the petitioners against the existing available vacancies under group D cadre, in view of the circulars dated 30/12/2004 and 25/07/2007 as well order dated passed in SLP (Civil No. 21911-21913/2004 dated 27/07/2006 and order dated 13/11/13 passed in writ petition (Civil No. 179/10) as well as order dated 15/02/13 passed by the Hon’ble Apex Court in writ petition (Civil No. 433/98).”

3. It has been submitted by the learned counsel for the respondents that as per the case of the petitioners themselves, a representation has

been filed before the Chief Personal Officer, East Central Railway, Hajipur, Bihar on 04.12.2017 by the General Secretary, Indian Railway Coal Ash Workshop Handling Mazdoor Union. As per paragraphs 21 and 22 of the representation, the Union was asked by Senior Divisional Personnel Officer vide letter dated 21.03.2005 asking the General Secretary for scrutiny of claimants and their appearance on different dates and as per para 22, all the concerned claimants approached before the authority on prescribed dates and have submitted all the relevant documents to establish their genuineness. The learned counsel submits that if any such process has been initiated, then the same can be taken to a logical end and appropriate order can be passed to that effect.

4. Learned counsel for the petitioners, at this, submits that some time-frame may be given.

5. After hearing the learned counsel for the parties, it is observed that no counter-affidavit as such has been filed by the respondents, but as per the case of the petitioners themselves, as is apparent from the representation which has been annexed at Annexure- 12, certain process with regard to verification of the claim of the members of the aforesaid Union has been undertaken, but it appears from the writ petition that the same has not been taken to a logical end.

6. Accordingly, this writ petition is disposed of with a liberty to the petitioners to approach the respondent no. 4 within a period of three months from today and if it is found that certain steps have been taken with regard to verification of the claim of the present petitioners and the petitioners have done the needful as mentioned in the aforesaid representation filed on behalf of the aforesaid Union and annexed with the writ petition, such exercise be taken to a logical end at the earliest and appropriate order be passed. In case appropriate order has already been passed with regards to the claim of the petitioners, no fresh order need be passed and the respondent no. 4 shall hand over a copy of such order(s) to the respective petitioners.

7. This writ petition is disposed of with the aforesaid observations.

8. Pending interlocutory application, if any, is closed.

(Anubha Rawat Choudhary, J.)