

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.396 of 2019

In
Letters Patent Appeal No.1337 of 2017

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1. Ramu Paswan Son of Kamaldeo Paswan Resident of Village- Kharauna Dih, P.S.- Kurhni, District- Muzaffarpur (Bihar).
 2. Binod Mahto Son of Mahrachan Mahto Resident of Village- Madhuban, P.S. Karja, District Muzaffarpur.
 3. Ramesh Sah Son of Bindeshwar Sah Resident of Kishanpur Chit, P.S. Maniyari, District Muzaffarpur.
 4. Kuldeep Mahto Son of Sri Bindeshwar Mahto Resident of Village- Jithan Khurd, P.S. Karja, District Muzaffarpur (Bihar).
 5. Putul Mahto Son of Sri Gona Mahto Resident of Village- Pakari, Pakohi, P.S. Karja, District Muzaffarpur.
 6. Dipu Sah Son of Raghunath Sah Resident of Village- Silout, P.S. Maniyari, District Muzaffarpur.
 7. Dibdeo Baitha @ Deepdeo Baitha Son of Damodar Baitha Resident of Village- Parsauni Devajit, P.S. Mehasi, District- East Champaran.
 8. Shiv Shankar Giri Son of Sri Jaleshwar Giri Resident of Village- Rajua Barbari, P.S. Mehsi, District- East Champaran (Bihar).
 9. Rakesh Sah Son of Late Kusheshwar Sah Resident of Village- Silout, P.S. Maniyari, District- Muzaffarpur.
 10. Suresh Sah Son of Late Kusheshwar Sah Resident of Village- Silout, P.S. Maniyari, District Muzaffarpur.
 11. Uma Shankar Singh Son of Late Sakal Singh Resident of Village- Bishunpur, Madhuban, P.S. Kurhni, District Muzaffarpur.
 12. Umesh Mahto @ Umesh Kumar Son of Bhola Mahto Resident of Village- Pakri Pakohi, P.S. Karja, District- Muzaffarpur.
 13. Surendra Giri Son of Sri Janeshwar Giri Resident of Village- Rajua Barbari, P.S. Mehsi, District- East Champaran (Bihar).
 14. Mukesh Mahto Son of Sri Mahrachan Mahto Resident of Village- Madhuban, P.S. Karja, District- Muzaffarpur.
 15. Chandrakishore Singh Son of Late Shiv Chandra Singh Resident of Village and P.O. Kishunpur Madhuban, P.S. Kurhni, District Muzaffarpur (Bihar).
 16. Dharmendra Kumar Rai Son of Ram Ashish Rai Resident of Village Chand Chore, P.S. Ujiarpur, District Samastipur.
 17. Pramod Bhagat Son of Late Ram Chandra Bhagat Resident of Village Parsauni, Devajit, P.S. Mehsi, District- East Champaran (Bihar).
 18. Shashikant Singh Son of Ganesh Prasad Singh Resident of Village and P.O. Sahtha, P.S. Bhagwanpur, District Vaishali.

... .. Petitioner/s

Versus



1. The Union of India through General Manager, Central Railway, Hazipur.
2. The Chairman, Railway Board, Ministry of Railway Rail Bhawan, New Delhi 110001.
3. The Assistant Commercial Manager, Sonapur.
4. Assistant Labour Commissioner (Central) Maurya Lok Complex, A-Block, IInd Floor, Room No. 6/16 Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar @ Alok Kr Shahi, Advocate
Ms. Archana Sinha, Advocate
Ms. Awarna Roy, Advocate
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 23-06-2023

Heard I.A. No. 1 of 2019 for condonation of delay of one year, Six months and 23 days in filing Civil Review No. 396 of 2019. Though, sufficient cause has not been shown so as to condone the delay of one year, Six months and 23 days. However, having regard to the status of the petitioner that he was employed by Contractor and he was a low paid employee. We intend to condone the delay of one year, Six months and 23 days in filing Civil Review No. 396 of 2019.

2. Perusal of the order dated 14.05.2018 passed in L.P.A. No. 1337 of 2017 arising out of C.W.J.C. No. 14930 of 2016, the petitioners have not been apprised this Court to the extent what is error apparent on the face of the record so as to



recall the order dated 14.05.2018 passed in L.P.A. No. 1337 of 2017 arising out of C.W.J.C. No. 14930 of 2016. Order 47 Rule 1 of CPC is crystal clear to the extent that scope of review is limited. Admittedly, the petitioners were appointed or hired by the Contractor. In other words, there is no master and servant relationship between the Railway Authorities and petitioner so as to seek regularization and other monetary/service benefits from the Railway Authorities. Therefore, the petitioners have not made out a case so as to interfere with the order dated 14.05.2018 passed in L.P.A. No. 1337 of 2017 arising out of C.W.J.C. No. 14930 of 2016.

3. Accordingly, present Civil Review No. 396 of 2019 stands dismissed.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

shoaib/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.06.2023.
Transmission Date	NA

