

17.10.2023
sayandeep
Sl. No. 07
Ct. No. 12

MAT 1873 of 2016
With
IA No. CAN 1 of 2017(Old CAN 326 of 2017)

Mriganka Sekhar Sadhu & Ors.
-Versus-
Union of India & Ors.

Mr. Supriya Chattopadhyay
Mr. Sandip Kumar Hati
Mr. S. Ch. Dhara
Ms. Debasree Chatterjee

.....for the appellants

The appellants have approached this Court by filing writ petition being WP 1370 (w) of 2016 challenging the order dated 22nd August, 2015 rejecting their representation to empanel them.

According to appellants, they were employed as casual workers in Transmission System Construction Division at different places around Mejia Thermal Power Station under Damodar Valley Corporation time to time from 1976 onwards. They gave representations to empanel them and filed writ petition being WP 22628 (w) of 2009. This Court by the order dated 23rd June, 2015 directed the second respondent or any other authority to consider and pass orders on the representation of the appellants. The 4th respondent the Chief Engineer TSC Damodar Valley Corporation as per the order of this Court dated 23rd June, 2015 given opportunity of hearing to the appellants, considered the

representation of the appellants and rejected the same. The appellants filed present writ petition challenging the said order among other grounds that the Chief Engineer failed to consider the order of the Hon'ble Apex Court passed in similar matter.

The learned single Judge considering the contention of the appellants dismissed the writ petition holding that appellants have not placed any materials to show that they were employed from 1976 onwards and number of days engaged in each year. The learned Judge further held that if appellants have been engaged from the year 1976 even at the age of 18 they could have attained 58 years in the year 2016 and dismissed the writ petition.

Against the said order, the appellants have come up with the present appeal.

The learned counsel appearing for the appellants contended that as per the guidelines of Damodar Valley Corporation, appellants are entitled to be empanelled. The respondents failed to consider the guidelines, the Judgment of the Division Bench of this Court and Hon'ble Apex Court and committed an illegality by rejecting the representations of the appellants. The learned Judge without properly appreciating the materials placed before him, has erroneously dismissed the writ petition. The learned single Judge on assumption and presumption had rejected the contention of the appellants and thereby confirmed the

illegality committed by respondents. Damodar Valley Corporation had accepted the contention of the certain employees similarly placed like appellants but rejected the request of the appellants and thereby discriminated the appellants and prayed for setting aside the order of the learned Judge and order of the 4th respondent dated 22.08.2015 and prayed for empanelment in the Corporation.

No representation for the respondents.

Heard the learned counsel appearing for the appellants and perused the entire materials on record.

From the materials on record, it is seen, it is the case of the appellants that they were employed as casual workers in Damodar Valley Corporation and Transmission System Construction Division from the year 1976 onwards and sought for empanelment. From the order of the learned single Judge, it is seen that appellants did not furnish any materials to show that appellants were employed from the year 1976 and number of days employed in each year. It is not the case of the appellants that they had furnished the details of their employment from the year 1976 and the learned Judge failed to consider the details and documents furnished by them. Unless necessary particulars are placed before this Court in supporting their claim, this Court cannot grant the relief sought for by the appellants in the writ petition.

Further, learned Judge took note of the fact that the age of the superannuation of casual workers in Damodar Valley Corporation is 58 years. Even if the claim of appellants is true that they were engaged from the year 1976 onwards, they could have attained age of superannuation in the year 2016. Now 7 years have lapsed from the date of the order of the learned single Judge and appellants would be more than 65 years as on today. Considering the lack of particulars to support the case of the appellants and age of superannuation of group-D employees in Damodar Valley Corporation, we are of the opinion that appellants are not entitled to the relief sought for.

Accordingly, the appeal fails and dismissed.

There shall be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(V.M. Velumani, J.)

(Rai Chattopadhyay, J.)