

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13129 of 2024

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1. Sahdeo Son of late Nanko, Resident of Village- Kavar, P.S.-Jhajha, District- Jamui, Bihar.
 2. Satya Narayan Son of Late Kanhai, Resident of Village- Dhapari,P.S. Jhajha, District- Jamui, Bihar.
 3. Basudev, Son of late Somar, Resident of Village- Dhapari, P.S. Jhajha, District- Jamui, Bihar.
 4. Mahadeo Son of late Hari, Resident of Village- Tilbariya, Post- Dhodhari, District- Jamui,Bihar.
 5. Kaleshwar Son of Tiplal , Resident of Village- Fatehpur, P.S. Jhajha, District- Jamui, Bihar.
 6. Shibu Son of late Umarao, Resident of Village- Benibak, P.S.Jhajha, District-Jamui, Bihar.
 7. Bholi, Son of late Sukar, Resident of Village-Nawada, Giddhaur, P.S. Giddhaur, District- Jamui, Bihar.
 8. Sahdeo Son of late Kisun, Resident of Village-Tarakura, P.S. Jhajha, District- Jamui, Bihar.
 9. Baleshwar Son of late Chulhoo, Resident of Village- Ranikura, P.S. Jhajha, District- Jamui, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Railway Board, Rail Bhawan, New Delhi- 110001.
2. The General Manager, East Central Railway, Hajipur, P.O. Digghi Kalan, P.S. Hajipur, District-Vaishali at Hajipur, Pin Code- 844101, Bihar.
3. The General Manager (Personnel), East Central Railway, Hajipur, P.O.- Digghi Kalan, P.S. Hajipur, District- Vaishali at Hajipur, Pin Code- 844101, Bihar.
4. The Divisional Railway Manager , East Central Railway, Danapur, P.O. Danapur, P.S. Khagaul, District- Patna, Pin Code- 801501, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Munna Pd Dixit (M.P. Dixit)
For the Respondent/s	:	Mr.Additional Solicitor General
For UOI, East.Rly	:	Mr. Satyabir Bharti, Sr. Panel counsel
		Ms. Kanupriya, Advocate
		Mr. Abhishek Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER



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

7 07-04-2025 The petitioners have assailed the order of CAT dated 22.11.2022 passed in O.A. No.798 of 2022.

2. The present lis has a chequered history like petitioners were stated to have been appointed on casual basis on 12.01.1971 till January, 1981. Thereafter, the respondents were stated and undertaken screening test on 21.08.1990. In this regard, provisional list was notified on 31.03.1992. Screening test read with the consequential proceedings are not attained finality, resultantly petitioners have preferred O.A. 97/98/96/98 and their grievance was rejected on 26.06.2002. Certain observations relating to consideration was ordered and thereafter OA No.617 of 2002 was filed once again. CAT proceeded to issue direction to consider the grievance of the petitioner on 22.09.2003. Being feeling aggrieved by the CAT order, the respondents have filed Review Petition No.6 of 2004 which was dismissed. Resultantly, respondents have invoked remedy before this Court in filing C.W.J.C. No.10417 of 2004 and it was dismissed. Thereafter, respondents have preferred SLP No.9257 of 2008 and it was dismissed on 21.07.2008. MJC No. 3210 of 2010 was filed and it was rejected on 25.06.2010. Thereafter, one more litigation by the petitioner in filing OA No.1029 of 2012, in which certain directions have



been issued insofar as age relaxation. Respondents have preferred C.W.J.C. No. 18422 of 2014 and it was dismissed on 09.01.2017. In this backdrop, the impugned order dated 18.05.2017 has been passed and it was subject matter of OA No. 798 of 2022 and it was dismissed on 22.11.2022, hence the present writ petition.

3. Learned counsel for the petitioner submitted that this Court has passed orders in identical matter in C.W.J.C. No. 3950 of 2023. The said decision is different from the present petition in view of the factual aspect and material information are different. Here is a case where the petitioners have hardly worked from 1971 to 1981. Between 1981 to 1990, they slept over the matter. They have opened their eyes with reference to screening test conducted on 21.08.1990 in which petitioners' name stated to have been incorporated which has not given effect to resultant number of litigation, Labour Court, CAT before this Court and before Hon'ble Supreme Court were exhausted.

4. Having regard to the judicial pronouncement in the case of **State of Karnataka Vs. Uma Devi (2006) 3 S.C.R. 953**, question of regularization of temporary employees / ad hoc employees is require to fulfill the conditions stipulated therein.



One of the condition is that as on the date of decision in the **Uma Devi case** employee must be in service and without their being any interim order of any of the Court as on the date of judgment, one must have completed 10 years of service. In the present case, admittedly petitioners have rendered service from 1971 to 1981. On the other hand, the impugned order, it reflects petitioners' name to the extent that first petitioner were worked during the year 1974 to 1976, i.e, for the period of two years. Similarly, the second petitioner worked during the period from 1971 to 1975 for about 4 years with reference to these service particulars, the petitioners are not entitled for regularization and their services have been dispensed in the year 1975 and 1976 respectively assuming that the petitioners' version is taken into consideration that they have worked from the year 1971 to 1981 still they are not entitled for regularization after these many decades in the light of various latest judicial pronouncement on the issue of regularization. Thus, the petitioners have not made out a case. CWJC is dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

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