IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No.5533 of 2026
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1. Employees State Insurance Corporation, Panchdeep Bhawan, CIG Marg, P.O. New Delhi, P.S. New Delhi, Dist. New Delhi-110002 through its The Director General.

2. The Regional Director, ESI Corporation, Regional Office, P.O., P.S. Namkum, District Ranchi, Jharkhand-834010.

3. The Assistant Director, ESI Corporation, Regional Office, Administration Branch, P.O., P.S. Namkum, District-Ranchi, Jharkhand-834010.

All represented by Sri Niral R Linda s/o Late Francis Linda, r/o Hindpiri Gowala Toli Road, P.O. Ranchi, P.S. Hindpiri, Dist. Ranchi presently working as Social Security Officer in Regional Office, Employees' State Insurance Corporation P.O. Namkum, P.S. Namkum, Dist. Ranchi.

... ... Petitioners

Versus

1. Ajeet Kumar, Son of Sri Arun Prasad, permanent resident of Gaushnagar, P.O. Kenar Kala, P.S. Sarmera, District Nalanda, Bihar -811101, currently posted and working as UDC at ESIC, Regional Office, P.O., P.S. Namkum, District Ranchi-834010.

... ... Respondent

2. Union of India, through its secretary, to the Government of India, Ministry of Department Labour and Employment, Shram Shakti Bhawan, Rafi Marg, P.O. New Delhi, P.S. New Delhi, Dist. New Delhi-110001.

3. Miss. Medha Kumari d/o Shri Apsar Nath Mishra Presently posted and working as UDC at ESIC, Regional Office, P.O., P.S. Namkum, District Ranchi-834010.

4. Shri Roby Kumar, Son of Shri Mannu Singh Presently posted and working as UDC at ESIC, Regional Office, P.O., P.S. Namkum, District Ranchi-834010.

5. Mrs Saba Tarannum, Daughter of Md. Shaukat Ali Presently posted and working as UDC at ESIC, Branch Office, Durga Mandir Road, Near Town Hall, P.O., P.S. Hirapur, District Dhanbad-826001.

6. Shri Surendra Kumar, Son of Shri Gouri Shankar Yadav Presently posted and working as UDC at ESIC, Branch Office, Mahanand Vatika, Upper Bilasi Town, Near Amantran Vatika, P.O., P.S. District Deoghar-814113,

7. Shri Deepak Kumar Rajak, Son of Shri Ram Bilash Rajak Presently posted and working as Assistant at ESIC, Regional Office, P.O., P.S. Namkum, District Ranchi-834010.

8. Shri Kumar Varun Raj, Son of Shri Ram Pratap Singh Presently posted and working as UDC at ESIC, Regional Office, P.O., P.S. Namkum, District Ranchi 834010.

9. Shri Vishnu Deo Das, Son of Shri Vijay Das Presently posted and working as Assistant at ESIC, Hospital P.O., P.S. Adityapur, Jamshedpur, Dist. East Singhbhum, Jharkhand - 831013.

10.Shri Ashok Kumar Barwa, Son of Shri Mukund Oraon, Presently posted and working as UDC at ESIC, Regional Office, P.O., P.S. Namkum, District Ranchi-834010.

11.Shri Deepen Mickey Dungdung, Son of Late Isidore Dungdung. Presently posted and working as UDC at ESIC Model Hospital, P.O., P.S. Namkum, District Ranchi-834010.

12.Shri David Oliver Dungdung, Son of Late Isidore Dungdung, Presently posted and working as UDC at ESIC Regional Office, P.O., P.S. Namkum, District Ranchi 834010.

13. Shri Ravi Ranjan Pandey, Son of Shri Nawal Kishore Pandey, Presently posted and working as UDC at ESIC Hospital, P.O., P.S. Adityapur, Jamshedpur, Dist. East Singhbhum, Jharkhand-831013.

... ... Proforma Respondents

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CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioners : Mr. Ashutosh Anand, Advocate
For the Resp. No.1 : In-Person

Order No. 07/Dated 21st September, 2026

1. The instant writ petition under Article 226 of the Constitution of India is directed against the judgment dated 18.12.2024 passed by the Central Administrative Tribunal, Patna Bench, Circuit Bench at Ranchi whereby and whereunder while allowing the O.A No.051/00348/2021 a direction has been passed upon the respondents (petitioners herein) to prepare a fresh final seniority list in respect to the Upper Division Clerk in Jharkhand region for the recruitment year(s) in the light of observations made by

the Hon'ble Apex Court in the case of "***K. Meghachandra Singh & Ors. V. Ningam Siro and Ors***." reported in ***(2020) 5 SCC 689*** and order dated 15.12.2020 passed by the learned Central Administrative Tribunal, Bench at Jaipur in O.A No.291/194/2020 which attained its finality after dismissal of W.P No.351 of 2021 by the Hon'ble High Court of Rajasthan at Jaipur and further the S.L.P filed against the said order being Special Leave Petition (Civil) Diary No.(s). 25050 of 2022 has also been dismissed by the Hon'ble Apex Court.

2. The case was heard by this Court on 3rd August, 2026. Notice was issued upon Respondent No.1, the contesting respondent, as also Respondent Nos. 3 to 13 the direct recruits as per the submission made by the learned counsel appearing for the petitioners.

3. Mr. Ajeet Kumar, the Respondent No.1 who had appeared on 3rd August, 2026 and had stated before this Court that he will present his case himself in person.

4. The Respondent No.1, namely, Ajeet Kumar, party-in-person is present.

5. So far as the notices issued upon Respondent Nos.3 to 13 is concerned, as per the office note dated 18.09.2026, the notices were sent on the official address of the Respondent Nos. 3 to 13 where they are working. Notice has been shown to be received either through Receiving

Clerk or the family members so far as notice issued upon the Respondent Nos. 3, 4, 6 and 8 are concerned.

6. Notice issued upon Respondent No.13 was sent in the official address, i.e., at the place of posting of Respondent No.13, Branch Office, ESIC, Ramgarh but notice has returned without serving.

7. So far as notice issued upon Respondent Nos. 3, 4, 6 and 8 are concerned, the same are deemed to be validly served since notice has either been received by the Receiving Clerk or the family members.

8. The Respondent No.9 has not appeared even though notice has been served personally upon him.

9.Notice upon Respondent Nos. 5, 7,10, 11 and 12 has been reported to be validly served.

10. So far as notice issued upon Respondent No.13 is concerned, the notice was sent at the place of posting, i.e., Branch Office, ESIC, Ramgarh but has returned without serving.

11. Mr. Ashutosh Anand, learned counsel appearing for the writ petitioners, has submitted that no relief has been claimed against these respondents and as such they have been impleaded as proforma respondent. Although notice was issued upon them but it appears that since no relief has been claimed against them, as such, there is no appearance on behalf of Respondent Nos. 3 to 13, rather,

the aggrieved respondent is Respondent No.1 who is appearing in-person.

12. He has also referred paragraph 53 of the judgment passed by this Court in W.P.(S) No.1118 of 2026 dated 24th March, 2026 wherein no direction was passed against the direct recruits and this Court, therefore, has relegated the matters before the writ petitioners to pass appropriate order providing an opportunity of hearing to them.

13. He, therefore, has submitted that since the identical matter has already been disposed of by this Court vide order dated 24th March, 2026 passed in W.P.(S) No.1118 of 2026 and, as such, let this matter be also disposed of by considering the fact that no relief has been claimed against the Respondent Nos. 3 to 13 and as per the specific observation made in paragraph 52 of the order dated 24th March, 2026 passed in W.P.(S) No.1118 of 2026, the seniority list is to be prepared by the writ petitioners, hence there is no likelihood of causing any prejudice to Respondent Nos. 3 to 13.

14. Mr. Ajeet Kumar, Party-in-Person, has submitted that he is the contesting respondent herein since he has come from different zone by making request for his transfer under the policy decision.

15. So far as Respondent Nos.3 to 13 are concerned, they are the direct recruits within the zone and, as such, it

is being correctly said that they are not the aggrieved parties with respect to the issue involved in the present case.

16. This Court has heard learned counsel for the petitioner on the issue of appearance and has found that the identical matters have already been decided by this Court vide judgment dated 24th March, 2026 passed in W.P.(S) No.1118 of 2026 which is available on record.

17. The grievance pertains to the question of making no reference of the name of the Respondent No.1 in the seniority list of the employees. The Respondent No.1 who has been transferred from another zone to this zone has not been kept in the seniority list.

18. Although this Court while issuing notice upon Respondent No.1 has also issued notice upon Respondent Nos. 3 to 13 in order to provide a chance to them but notice having been sent to the office of the Respondent Nos. 3 to 13 and even though it has been received by the Receiving Clerk, or the family members or the office Clerk and in some of the cases notice has been shown to be validly served and in one case notice has been shown to be received personally and in another case notice has been returned without serving, therefore, the notice having been accepted to be validly served, this Court is now proceeding to consider the relief sought for in the writ petition.

19. The main relief sought for in the present writ petition is for quashing of order dated 18.12.2024 passed by the Central Administrative Tribunal, Patna Bench, Circuit Bench at Ranchi in O.A No.051/00348/2021.

20. The brief facts of the case as per the pleadings made in the writ petition which has been incorporated from the O.A being O.A No. OA/051/00348/2021 filed before the learned Tribunal by the Respondent No.1 herein reads as under:-

(i) The Respondent No.1 was initially appointed under the petitioners on the post of Upper Division Clerk in Maharashtra region and joined the service as such on 24.08.2012.

(ii) Thereafter, according to the ESIC's inter region transfer policy, the Respondent No.1 was transferred to Jharkhand region and consequently he joined the post of UDC in the Jharkhand region on 30.06.2017 and is posted at Ranchi where he is still working.

(iii) On 13.12.2019 one Regional Seniority List was published for Regular Upper Division Clerk Employees as on 31.03.2016.

(iv) Thereafter, again revised seniority list dated 16.12.2019 & 14.09.2020 were published but the name of the Respondent No.1 was not included in the

aforesaid list for the year 2015-2016 as on 31.03.2016.

(v) The Respondent No.1 immediately raised objection to the aforesaid regional seniority list through representation to the respondents and requested the respondent authorities to include his name in the revised list prepared for the UDC posts in the light of the revised inter region transfer policy.

(vi) The name of the Respondent No.1 has been put below the employees who have joined the services in the year August / September 2016 and 2017 and are much junior to the Respondent No.1.

(vii) Without considering the objection raised by the Respondent No.1, in a summary manner the same was rejected by the authority vide letter dt. 13.11.2020 stating therein that the revised seniority list has been prepared in accordance with the instructions issued by the DoPT as contained in OM No. 20011/1/2012-Estt. (D) dt. 04.03.2014 and as per the said rules, the conferment of seniority would be against the recruitment year which is based on the initiation of the recruitment process against the vacancy year and further as per Clause (5) (a) of the Inter Region Transfer Policy for ministerial staffs upto Assistant Cadre issued vide Letter No. Pt.A-

33/19/IRT/LDC/2010-Estt.II dt. 05.03.2013, the seniority of the transferee will be fixed below all the employees appointed during the year in the recipient region.

(viii) The respondent authorities have now published a Final Seniority List dated 13.11.2020 contrary to the directions of the Hon'ble Supreme Court and the Respondent No.1 has not been included.

(ix) The Respondent No.1 is aggrieved by non-inclusion of his name in the Final Seniority list and the names of the employees who actually joined their services in the year December 2017 has been placed in the said list thereby making the applicant junior to them.

(x) The Respondent No.1 (with 4 others) moved before the learned Tribunal in OA/051/0276/2021 (R) MA 258/2021. However, as there were defects in the said application, the same was allowed to be withdrawn vide order dt. 14.07.2021 with a liberty to file fresh O.A.

(xi) The Respondent No.1 is aggrieved by the order of promotion dated 01.01.2021 by which two persons junior to the applicant has illegally been promoted and further by non-inclusion of his name in the Final Seniority list and by inclusion of the names of the employees who actually joined their services in year

December-2017 and later on have been paced in the Final Seniority List.

21. It has not been disputed by the Party-in-Person, i.e., Respondent No.1, that identical issue has already been decided by this Court vide judgment dated 24th March, 2026 passed in W.P.(S) No.1118 of 2026 by passing the following directions:-

> **"52.** This Court, considering the aforesaid submission, is of the view that the learned Tribunal although has applied the ratio laid down by the Hon'ble Apex Court in the case of ***"K. Meghachandra Singh" (supra)***, but the aforesaid consideration is lacking in the impugned judgment/order and, as such, this Court is of the view that the order passed by the learned Tribunal needs modification by passing the following directions:-
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> (i) That the writ petitioner is to take appropriate steps by revisiting the seniority list dated 13.11.2020 prepared on the basis of the cut-off date of 13.03.2016 so as to make out strictly in adherence to the law laid down by the Hon'ble Apex Court in the case of "***K. Meghachandra Singh***" (supra).
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> (ii) Such revisiting is necessary due to the admitted fact that the direct recruits who have been entered in the cadre in the month of December, 2017 has been inserted in the seniority list prepared based upon the cut-off date of 31.03.2016 on the basis of vacancy of the year 2015.
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> (iii) The writ petitioner is directed to prepare the fresh list inserting the name of the transferee who have joined the territory of Jharkhand including the respondent no.1 herein based upon their date of joining in the cadre in the territory of Jharkhand.
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> (iv) The writ petitioner is further directed that while passing the fresh order for the purpose of deciding the inter se seniority in between the direct recruits and the applicants-respondent nos.1 to 4 herein, the law laid

down by the Hon'ble Apex Court in the case of "***K. Meghachandra Singh***" (supra) is strictly to be followed.

53. Since the direct recruits are not before this Court and, as such, we are not passing any direction against them, rather relegating the matter before the writ petitioners to pass appropriate order after providing an opportunity of hearing to them."

22. This Court, after going through the pleading made in the writ petition has found that the judgment passed by the learned Tribunal is a common judgment passed in O.A No.051/00317/2021 along with O.A No.051/00348/2021. Since the matter pertaining to one of the original applications being O.A No.051/00317/2021 has already been decided by this Court in writ petition being W.P.(S) No.1118 of 2026, as such, the present writ petition is also being disposed of in terms of the order dated 24th March, 2026 passed in W.P.(S) No.1118 of 2026.

23. Accordingly, the instant writ petition stands disposed of.

24. Pending interlocutory application(s), if any, also stands disposed of.

(Sujit Narayan Prasad, J.)

(Sanjay Prasad, J.)

Date : 21st September, 2026

Birendra/**A.F.R.**