

(2004) 01 JH CK 0019

Jharkhand High Court

Case No: CWJC No. 1165 of 2001

Yakub Jojowar and Others

APPELLANT

Vs

Steel Authority of India and
Others

RESPONDENT

Date of Decision: Jan. 27, 2004

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2004) 1 JCR 649

Hon'ble Judges: Amareshwar Sahay, J

Bench: Single Bench

Advocate: R. Krishna, for the Appellant; A. Sen, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Amareshwar Sahay, J.

All the sixty six petitioners, who are either Ex-Army Personnel or Ex-personnel in Central Industrial Security Force

and are deployed under respondent Nos. 1 to 3 as Security personnel on contract by M/s National Investigation and Security Contractor, have

prayed for issuance of writ of mandamus for a direction to the respondents No. 1 to 2 to absorb the service of the petitioners as regular employees

and they further pray that respondents be directed to provide equal pay for equal work to the petitioners at par with the permanent employees of

the respondent No. 1 as they are discharging the same function similar to that of the petitioners working under respondent No. 2.

2. Mr. Ananda Sen learned counsel for the respondents No. 1 to 3 at the very outset submits that in the view of the recent decision of the Supreme Court in the case of Steel Authority of India Ltd. and Others etc. etc. Vs. National Union Water Front Workers and Others etc. etc., and also the decision in the case of State of Haryana and Another Vs. Tilak Raj and Others, the point in issue in the present writ petition have been set at rest and as such no relief as prayed for in the writ petition can be granted to the petitioners.

3. In the case of Steel Authority of India Ltd v. National Union Water Front Workers (supra), the Supreme Court in view of the point in issue particularly in para-125 of the said Judgment by overruling the decision in the case of Air India Statutory Corporation, etc. Vs. United Labour Union and others [overruled], has held that no relief for absorption of the petitioner can be granted. Similarly in paras 12 to 13 in the case of State of Haryana and Ors. (supra) the claim of the petitioners for equal pay for equal work also is not tenable.

4. Learned counsel for the petitioners also very fairly submits that the present writ petition is fully covered by aforesaid two decisions of the Supreme Court.

5. In that view of the matter. I do not find any merit in this writ petition. It is accordingly dismissed.