

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Letters Patent Appellate Jurisdiction)

LPA No. 185 of 2020

- 1.Mehar Ali, aged about 74 years, son of late Amzad Ali
 - 2.Hridya Nand Rai, aged about 63 years, son of late Jagar Nath Rai
 - 3.Suraj Kumar Mishra, aged about 62 years, son of late Ramesh Chandra Mishra
 - 4.Manik Lal Dey, aged about 74 years, son of late Masi Lal Dey
 - 5.Arun Mandal, aged about 62 years, son of late Diwakar Mandal
 - 6.Jagdish Mahata, aged about 70 years, son of late Niranjana Mahata
 - 7.Jai Narayan Mandal, aged about 69 years, son of late Chandra Mohan Mandal
 - 8.Sano Oraon, aged about 60 years, son of late Anand Oraon
 - 9.Laxman Singh Deo, aged about 69 years, son of late Hair Shankar Singh Deo
 - 10.Miss Sona, aged about 60 years, daughter of late Soma
 - 11.Prem Chand Keshri, aged about 69 years, son of late Shri Kishan Keshri
 - 12.Anwar Ali, aged about 63 years, son of late Sk. Masuk Ali
- All are residents of Galudih, PO&PS Kharsawan, District Seraikella
Kharsawan**Appellants**

Versus

- 1.Hindustan Copper Limited, a Government of India Undertaking having its registered office at Tamra Bhavan, 1, Ashitosh Choudhary Avenue, PO and PS Kolkata, District-24 Pargana, Kolkata-19 (West Bengal), through its Chairman cum Managing Director, PO and PS Kolkata, District-24 Pargana, Kolkata-19 (West Bengal)
- 2.Director, Personnel, Hindustan Copper Limited, Tamra Bhavan-I, Ashutosh Choudhary Avenue, PO and PS Kolkata, District-24 Pargana, Kolkata 19 (West Bengal)
- 3.Executive Director, Hindustan Copper Limited, Ghatshila, PO Moubhandar, PS Ghatshila, District East Singhbhum ... **Respondents**

**CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR
HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY**

For the Appellants : Mr. A. K. Sahani, Advocate
Mr. Ajit Kumar, Advocate
For the Respondents : Mr. Amit Kumar Das, Advocate

Order No. 05/ Dated: 06th November 2023

The appellants have challenged the order dated 17th June 2019 passed in WP(S) No. 2602 of 2016 by which the writ Court declined to issue any direction to the Hindustan Copper Limited to pay arrears of salary and post-retiral dues to them.

2. The writ Court taking note of the stand taken by the respondent-Hindustan Copper Limited observed that the Mines was closed about 27 years back and this fact has not been controverted by the appellants even in the present proceeding.

3. The writ Court in its order dated 17th June 2019 passed in WP(S) No. 2602 of 2016 has observed as under:

“Having gone through submission of the parties, this Court is of the view that contention of petitioners is totally misconceived. This writ petition is barred by resjudicata. Petitioners have not approached this Court with clean hands.

In view of specific averments in the writ petition, it appears that the concerned organization was completely closed 27 years back. After 27 years, these writ petitioners are trying to mislead this Court. There is no occasion to prefer this writ petition and accordingly, this writ petition is dismissed.”

4. There is a reference of CWJC No. 3166 of 1997(R) and MJC No. 597 of 1998(R) but no reason has been disclosed by the appellants why they came to this Court in the year 2016.

5. Before the writ Court, a stand was taken by the Hindustan Copper Limited that all admissible post-retiral dues were paid to the workmen who had accepted the benefits under the Voluntary Retirement Scheme way back in the year 1993.

6. Having regard to the aforesaid facts and circumstances, we are not inclined to interfere in the matter and, accordingly, LPA No. 185 of 2020 is dismissed.

(Shree Chandrashekhar, J.)

(Anubha Rawat Choudhary, J.)

Tanuj/