

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 318 of 2025

Employer in relation to Manageemnt of Food Corporation of India, a body corporate, incorporated under the Food Corporation of India Act, 1964, Divisional Office, Muzaffarpur at Krishna Complex, NH-28, Bibiganj, PS-Sadar, PO-HPO, District-Muzaffarpur, Bihar, through its Divisional Manager (formerly, Area Manager), namely Ayushmana Shukla, aged about 37 years, Son of Ramesh Kumar Shukla, presently working as the Divisional Manager, Food Corporation of India, Divisional Office, Muzaffarpur, Bihar, Pin-842001.

.... Appellant

Versus

1. Upendra Kumar, resident of C/o Mr. Vijayendra Kumar, Former Secretary (Welfare), FCI Executive Staff Union, Arunachal Bhawan, Exhibition Road, P.O. & P.S. & District Patna - 800001.
2. Ramesh Kumar, resident of C/o Mr. Vijayendra Kumar, Former Secretary (Welfare), FCI Executive Staff Union, Arunachal Bhawan, Exhibition Road, P.O. & P.S. & District Patna-800001.
3. Manoj Kumar, resident of C/o Mr. Vijayendra Kumar, Former Secretary (Welfare), FCI Executive Staff Union, Arunachal Bhawan, Exhibition Road, P.O. & P.S. & District Patna-800001.
4. Saroj Kumar, resident of C/o Mr. Vijayendra Kumar, Former Secretary (Welfare), FCI Executive Staff Union, Arunachal Bhawan, Exhibition Road, P.O. & P.S. & District Patna-800001.
5. Akhilesh Kumar, resident of C/o Mr. Vijayendra Kumar, Former Secretary (Welfare), FCI Executive Staff Union, Arunachal Bhawan, Exhibition Road, P.O. & P.S. & District Patna - 800001.
6. Arun Kumar, resident of C/o Mr. Vijayendra Kumar, Former Secretary (Welfare), FCI Executive Staff Union, Arunachal Bhawan, Exhibition Road, P.O. & P.S. & District Patna - 800001.
7. Arvind Singh, resident of C/o Mr. Vijayendra Kumar, Former Secretary (Welfare), FCI Executive Staff Union, Arunachal Bhawan, Exhibition Road, P.O. & P.S. & District Patna-800001.

.... Respondents

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant	:	Mr Nipun Bakshi, Advocate Mr Shubham Sinha, Advocate Mr Shivam Pathak, Advocate Mr Mrinal Singh, Advocate
For the Respondents	:	Mr Rahul Kumar, Advocate

06 /Dated: 17.03.2026

1. Heard the learned counsel for the parties.

2. Though the challenge in this appeal is to the learned Single Judge's judgement and order dated 15.01.2025 in its entirety, Mr Nipun Bakshi, learned counsel for the appellant submitted that challenge in this appeal is now being restricted to the direction for regularization of the respondent-workmen by referring to H.Q. Circular dated 06.05.1987.

3. Mr Nipun Bakshi submitted that H.Q. Circular dated 06.05.1987 based upon which regularization is now granted by the Tribunal and not interfered with by the learned Single Judge in the impugned order contained several conditions, apart from the conditions of having served for more than three months. He submitted that there was no evidence about the workmen fulfilling these conditions and, therefore, no order could have been made for regularization of the workmen.

4. Mr Rahul Kumar, learned counsel for the respondent-workmen, defended the impugned Award made by the Tribunal and learned Single Judge's order, based on the reasonings reflected therein. He submitted that there was no difference between the case of the present workmen and Hari Nandan Prasad, who was granted the relief of regularization by this Court and the grant of such relief was affirmed by the Hon'ble Supreme Court.

5. Since the appellant is restricting the challenge to the issue of regularization, we Admit this appeal.

6. However, we note that apart from there being no challenge to the order for granting reinstatement with 50% of back wages, there is no case made out to interfere with this portion of the order. Admittedly, the workmen had worked for more than a year at the time when their services were terminated. There was no proof of compliance with the mandatory conditions of Section 25-F of the Industrial Disputes Act, 1947. The Tribunal had granted 75% of

the back wages, which has been reduced by the learned Single Judge to 50% of the back wages. There is no case made out to interfere with this portion of the impugned order, which, in any event, is not even being challenged before us.

7. Mr Rahul Kumar has submitted that six out of the seven workers have already superannuated, and one of the workers, namely, Saroj Kumar (R-4) is due to superannuate within a month.

8. Considering this position, the appellant will have to pay 50% of the back wages to the workers from the date of reference till the date of superannuation of the workers. This amount must be paid by the appellants to the workers within four weeks from today. If there is any difficulty in making payment, the appellants must deposit the amount within four weeks in this Court after giving due intimation to the learned counsel for the respondent-workers. Upon deposit, the workers will be entitled to withdraw the same by providing identity and Bank details, so that the Registry can transfer this amount directly into their Bank accounts.

9. Insofar as, the direction for regularization is concerned, we stay the same until the disposal of the appeal.

10. Mr Rahul Kumar waives service on behalf of the respondent-workmen after the admission of this appeal.

(M.S. Sonak, C.J.)

(Rajesh Shankar, J.)

March 17, 2026
Ranjeet / R.Kr.
NAFR
Uploaded on 18.03.2026