

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Civil Review No.11 of 2021

Steel Authority of India Limited & Others
... .. **Petitioners**

Versus

Sada Nand Singh
... .. **Respondent**

With
Civil Review No.12 of 2021

Bokaro Steel Plant & Others
... .. **Petitioners**

Versus

Biranchi Prasad Singh & Others
... .. **Respondents**

With
Civil Review No.13 of 2021

Bokaro Steel Plant & Others
... .. **Petitioners**

Versus

Ganga Sagar Yadav & Others
... .. **Respondents**

With
Civil Review No.23 of 2021

Bokaro Steel Plant & Others
... .. **Petitioners**

Versus

Shiv Shankar Jha & Others
... .. **Respondents**

With
Civil Review No.44 of 2021

Steel Authority of India Limited & Others
... .. **Petitioners**

Versus

Arvind Kumar & Another
... .. **Respondents**

With
Civil Review No.45 of 2021

Union of India & Others
... .. **Petitioners**

Versus

Shambhu Prasad Singh & Others
... .. **Respondents**

With
Civil Review No.46 of 2021

Union of India & Others
... .. **Petitioners**

Versus

Surendra Kumar Ishwar & Others
... .. **Respondents**

With
Civil Review No.47 of 2021

Steel Authority of India Limited & Others
... .. **Petitioners**

Versus

Arvind Kumar and another Respondents

With

Civil Review No.49 of 2021

Union of India & Others Petitioners

Versus

Prem Kumar Lohani & Others Respondents

With

Civil Review No.50 of 2021

Union of India & Others Petitioners

Versus

Someshwar Tiwari & Another Respondents

With

Civil Review No.51 of 2021

Union of India & Others Petitioners

Versus

Ishwar Dutta Upadhyay Respondent

With

Civil Review No.62 of 2021

Steel Authority of India Limited & Others

... .. Petitioners

Versus

Virendra Pratap Singh Respondent

With

Cont. Case (Civil) No.215 of 2021

Bachcha Devi Petitioner

Versus

The State of Jharkhand & Another Opp. Parties

With

Cont. Case (Civil) No.486 of 2021

Sunil Kumar & Another Petitioners

Versus

The State of Jharkhand & Others Opp. Parties

With

Cont. Case (Civil) No.426 of 2022

Shiv Shankar Jha Petitioner

Versus

Bhupendra Singh Popli, Chief General Manager (Town & Administration), Bokaro Steel Plant & Another

... .. Opp. Parties

CORAM :HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE NAVNEET KUMAR

For the Petitioner : Mr. Bibhash Sinha, Advocate
[in all Civil Reviews]
: Mr. Manoj Tandon, Advocate
Ms. Neha Bhardwaj
[In Con. 486/2021 & 426/2022]
For the Respondent : Mr. Manoj Tandon, Advocate
Ms. Neha Bhardwaj
[Resp. Nos.1, 2, 3, 5 & 8 in 12/2021]
[Resp. Nos.1, 4, 6, 7, 8, 12 in 13/2021]
[Resp. No.1 and 2 in 46/2021]
: Mr. Baibhaw Gahlaut, Advocate
[Resp. Nos.12 in 23/2021]
: Mr. Jitendra Tripathi, Advocate
[Resp. Nos.9 in 23/2021]
: Mr. Afaq Rashidi, Advocate
Ms. Aulia Begum, Advocate
[Resp. Nos.4 in 46/2021]
: Mr. Kumar Harsh, Advocate
[In C.Rev. No.47/2021]
: Mr. Diwakar Jha, Advocate
: Mr. Bharat Kumar, Advocate
[Resp. Nos.20 in 49/2021]
: Md. Nasim Akhtar, Advocate
[Resp. Nos.17 in 49/2021]
: Mr. Rajiv Kumar Karan, Advocate
Mr. Bhola Nath Ojha, Advocate
[In C.Rev. 49/2021 & 51/2021]
: Mr. Suresh Kumar, SC (L&C)-II
[In Cont. 486/2021]
Mr. Aman Shekhar, AC to GA-I
[In Cont. 426/2022]

Order No.07 : Dated 22nd December, 2023

I.A. No.11150 of 2023 in C.Rev. No.11 of 2021

1. The instant interlocutory application has been filed seeking leave of this Court for allowing the review petitioner to go for substituted service of notice upon sole respondent on the ground that even though steps for service of notice through registered post as well as ordinary process have been taken twice, but the notice could not be served upon the sole respondent.

2. This Court, considering the aforesaid fact, is of the view that the prayer made in the instant interlocutory application is required to be allowed.

3. Accordingly, the instant interlocutory application is allowed granting leave to the review petitioner to take steps for substituted service of notice upon the sole respondent.

4. Office is directed to do the needful.

5. I.A. No.11150 of 2023 stands allowed.

I.A. No.11151 of 2023 in C.Rev. No.12 of 2021

6. The instant interlocutory application has been filed seeking leave of this Court for allowing the review petitioner to go for substituted service of notice upon Respondent Nos. 4, 6, 7, 9 and 10 on the ground that even though steps for service of notice through registered post as well as ordinary process have been taken, but the notice could not be served upon the aforesaid respondents. However, notice has been validly served upon Respondent Nos. 1, 2, 3, 5 and 8 who have also appeared by filing Vakalatnama.

7. This Court, considering the aforesaid fact, is of the view that the prayer made in the instant interlocutory application is required to be allowed.

8. Accordingly, the instant interlocutory application is allowed granting leave to the review petitioner to take steps for substituted service of notice upon Respondent Nos. 4, 6, 7, 9 and 10.

9. Office is directed to do the needful.

10. I.A. No.11151 of 2023 stands allowed.

I.A. No.11152 of 2023 in C.Rev. No.13 of 2021

11. The instant interlocutory application has been filed seeking leave of this Court for allowing the review petitioner to go for substituted service of notice upon Respondent Nos. 2, 3, 5, 9 and 10 on the ground that even though steps for service of notice through registered post as well as ordinary process have been taken, but the notice could not be served upon the aforesaid respondents. However, notice has been validly served upon rest of the respondents. The Respondent Nos. 1, 4, 6, 7, 8 and 12 have appeared by filing Vakalatnama.

12. This Court, considering the aforesaid fact, is of the view that the prayer made in the instant interlocutory application is required to be allowed.

13. Accordingly, the instant interlocutory application is allowed granting leave to the review petitioner to take steps for substituted service of notice upon Respondent Nos. 2, 3, 5, 9 and 10.

14. Office is directed to do the needful.

15. I.A. No.11152 of 2023 stands allowed.

16. So far as Respondent No.11 is concerned, it has been submitted on behalf of the review petitioner that since the concerned respondent has died, hence, the substitution

application is required to be filed.

17. Let necessary application be filed on or before the next date of hearing.

I.A. No.11149 of 2023 in C.Rev. No.23 of 2021

18. The instant interlocutory application has been filed seeking leave of this Court for allowing the review petitioner to go for substituted service of notice upon Respondent Nos. 1, 2, 3, 5, 7, 8, 10, 11 and 13 on the ground that even though steps for service of notice through registered post as well as ordinary process have been taken, but the notice could not be served upon the aforesaid respondents. However, notice has been validly served upon rest of the respondent. The Respondent Nos. 9 and 12 have appeared by filing Vakalatnama.

19. This Court, considering the aforesaid fact, is of the view that the prayer made in the instant interlocutory application is required to be allowed.

20. Accordingly, the instant interlocutory application is allowed granting leave to the review petitioner to take steps for substituted service of notice upon Respondent Nos. 1, 2, 3, 5, 7, 8, 10, 11 and 13.

21. Office is directed to do the needful.

22. I.A. No.11149 of 2023 stands allowed.

23. So far as Respondent Nos. 4 and 6 are concerned, it has been submitted on behalf of the review petitioner that since

the concerned respondent has died, hence, the substitution application is required to be filed.

24. Let necessary application be filed on or before the next date of hearing.

I.A. No.11145 of 2023 in C.Rev. No.44 of 2021

25. The prayer has been made that since notice upon Respondent Nos. 1 and 2 has been received by son and nephew respectively, hence, the said notice has been prayed to accepted to be validly served upon the concerned respondents. However, interlocutory application has also been filed for substituted service of notice.

26. We, after taking into consideration the fact that there is no joint-ness of the family since no affidavit to that effect has been filed, therefore, prayer made in the interlocutory application for substituted service of notice is required to be taken.

27. This Court, considering the aforesaid fact, is of the view that the prayer made in the instant interlocutory application is required to be allowed.

28. Accordingly, the instant interlocutory application is allowed granting leave to the review petitioner to take steps for substituted service of notice upon the Respondent Nos. 1 and 2.

29. Office is directed to do the needful.

30. I.A. No.11145 of 2023 stands allowed.

I.A. No.11146 of 2023 in C.Rev. No.45 of 2021

31. The prayer has been made that since notice upon Respondent No.4 has been received by his nephew, hence, the said notice has been prayed to accepted to be validly served upon the concerned respondent. However, interlocutory application has also been filed for substituted service of notice upon all the respondents, i.e., Respondent Nos. 1, 2, 3, 4, 5, 6, and 7.

32. We, after taking into consideration the fact that there is no joint-ness of the family, so far as Respondent No.4 is concerned, since no affidavit to that effect has been filed, therefore, prayer made in the interlocutory application for substituted service of notice is required to be taken.

33. This Court, considering the aforesaid fact, is of the view that the prayer made in the instant interlocutory application is required to be allowed.

34. Accordingly, the instant interlocutory application is allowed granting leave to the review petitioner to take steps for substituted service of notice upon the Respondent Nos. 1, 2, 3, 4, 5, and 6.

35. Office is directed to do the needful.

36. I.A. No.11146 of 2023 stands allowed.

37. From perusal of office note dated 06.12.2023, it appears that Respondent No.7 has died and, therefore, substitution application is required to be filed.

38. Let necessary application be filed on or before the next date of hearing.

I.A. No.11147 of 2023 in C.Rev. No.46 of 2021

39. The instant interlocutory application has been filed seeking leave of this Court for allowing the review petitioner to go for substituted service of notice upon Respondent Nos. 1, 2, 3, 4 and 5 on the ground that even though steps for service of notice through registered post as well as ordinary process have been taken, but the notice could not be served upon the aforesaid respondents.

40. Though prayer has been made for substituted service of notice upon Respondent Nos. 1 to 5 but it appears from the record that Vakalatnama has been filed on behalf of Respondent Nos. 1, 2 and 4 and they are being represented through their respective counsel.

41. This Court, considering the aforesaid fact, is of the view that the prayer made in the instant interlocutory application is required to be allowed in respect of Respondent Nos. 3 and 5 only.

42. Accordingly, the instant interlocutory application is allowed granting leave to the review petitioner to take steps for substituted service of notice upon Respondent Nos. 3 and 5.

43. Office is directed to do the needful.

44. I.A. No.11147 of 2023 stands allowed.

C.Rev. No.47 of 2021

45. It has been submitted that notice issued upon the respondents has been validly served.

46. Mr. Kumar Harsh, learned counsel has submitted that he has filed Vakalatnama to represent the respondents.

47. Let the name of Mr. Kumar Harsh who is representing the respondents be reflected in the daily cause list.

I.A. No.11143 of 2023 in C.Rev. No.49 of 2021

48. The instant interlocutory application has been filed seeking leave of this Court for allowing the review petitioner to go for substituted service of notice upon Respondent Nos. 4, 5, 6, 7, 9, 10, 11, 13, 14, 16, 18, 19 and 20 on the ground that even though steps for service of notice through registered post as well as ordinary process have been taken, but the notice could not be served upon the aforesaid respondents. However, service upon rest of the respondents has been served.

49. Learned counsel for the review petitioner has submitted that out of the aforesaid respondents Vakalatnama has been filed on behalf of Respondent Nos. 10, 18 and 20 and they are being represented through their respective counsel and hence, there is no need to take steps for substituted service of notice upon these respondents.

50. This Court, considering the aforesaid fact, is of the view that the prayer made in the instant interlocutory application

is required to be allowed in respect of Respondent Nos. 4, 5, 6, 7, 9, 11, 13, 14, 16 and 19.

51. Accordingly, the instant interlocutory application is allowed granting leave to the review petitioner to take steps for substituted service of notice upon Respondent Nos. 4, 5, 6, 7, 9, 11, 13, 14, 16 and 19.

52. Office is directed to do the needful.

53. I.A. No.11143 of 2023 stands allowed.

I.A. No.11148 of 2023 in C.Rev. No.50 of 2021

54. The prayer has been made that since notice upon Respondent No. 1 has been validly served. The notice issued upon Respondent No. 2 has been received by his son, hence, the said notice has been prayed to accepted to be validly served upon the concerned respondent. However, interlocutory application has been filed for substituted service of notice upon Respondent No.2.

55. We, after taking into consideration the fact that there is no joint-ness of the family since no affidavit to that effect has been filed, therefore, prayer made in the interlocutory application for substituted service of notice upon Respondent No.2 is required to be taken.

56. This Court, considering the aforesaid fact, is of the view that the prayer made in the instant interlocutory application is required to be allowed.

57. Accordingly, the instant interlocutory application is

allowed granting leave to the review petitioner to take steps for substituted service of notice upon the Respondent No.2.

58. Office is directed to do the needful.

59. I.A. No.11148 of 2023 stands allowed.

C.Rev. No.51 of 2021

60. It has been submitted that notice issued upon the sole respondent has been validly served.

61. Mr. Rajiv Kumar Karan, learned counsel has submitted that he has filed Vakalatnama to represent the sole respondent.

62. Let the name of Mr. Rajiv Kumar Karan who is representing the sole respondent be reflected in the daily cause list.

C.Rev. No.62 of 2021

63. It has been submitted that as per service report, the sole respondent has received the notice but there is no appearance. However, service is complete.

Civ. Rev. No. 11/2021, Civ. Rev. 12/2021, Civ. Rev. No.13/2021, Civ. Rev. No.23/2021, Civ. Rev. No.44/2021, Civ. Rev. No.45/2021, Civ. Rev. No.46/2021, Civ. Rev. No.49/2021 and Civ. Rev. No.50/2021.

64. The paper publication of notice in limitation matter (wherever applicable) as well as admission is to be effected in two of the National Daily newspapers, one Hindi and one English Edition.

65. Since some of the respondents are residing in the State

of Bihar/Uttar Pradesh/Jharkhand etc., therefore, notice is also required to be published in the Local Newspaper of that area as per the permanent address of those employees as well as the last known address of the employee.

66. Let affidavit be filed appending therein the paper publication so as to pass further orders.

67. Learned counsel appearing for the review petitioners has prayed for six weeks' time for taking steps in the matter.

68. As prayed for, list these matters on 21.02.2024.

(Sujit Narayan Prasad, J.)

(Navneet Kumar, J.)

Birendra/