

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

Review Petitions No. 17 of 2021

In the matter of:

An application for Review of the judgment and order dated 23.06.2021 analogously passed in Contempt Petitions No. 603 of 2018, 604 of 2018, 10 of 2019, 57 of 2019 and 502 of 2018.

-And-

In the matter of:

Mostak Ahmed and 32 others

..... Petitioners

-Versus-

Abdur Rouf Talukder, Secretary, Ministry of Finance and others.

. Respondents

Mr. M. Mainul Islam, Advocate

. . . For the petitioners.

Mr. AKM Badrudduza, Advocate

. . . For the respondent No.3.

Mr. Abdullah Al Mubin, Advocate

. . . For the respondent No.1

With

Review Petitions No. 20 of 2021

Md. Rafiquzzaman Khan and 16 others

..... Petitioners

-Versus-

Dr. Zayed Bukht, Chairman, Agrani Bank Limited and others.

. Respondents

Mr. Sabyasachi Mondal, Advocate

. For the petitioners.

Mr. AKM Badrudduza, Advocate

. . . For the respondent No.2.

Present:

Mr. Justice J. B. M. Hassan

and

Mr. Justice Razik Jalil

Heard and Judgment on 07.03.2024.

J.B.M. Hassan,J.

These 02(two) review petitions arise out of a judgment and order dated 23.06.2021 of the High Court Division analogously passed in Contempt Petitions No. 603 of 2018, 604 of 2018, 502 of 2018, 10 of 2019 and 57 of 2019.

Relevant facts leading to issuance of the Rule are that the petitioners of both the Review Petitions filed Writ Petitions No.4200 of 2017, 4620 of 2017, 6591 of 2017 and 18967 of 2018 stating that they were Godown Keepers and Godown Chowkidars of the respondent Bank, namely, Agrani Bank Limited being appointed temporarily under Master roll. Even after serving long time, when they were not appointed as permanent employees, the petitioners filed above mentioned writ petitions. Eventually, the Rules Nisi were disposed of with observation and direction, in particular, directing the respondent Bank to appoint the petitioners permanently as and when the vacant posts were available.

Due to non-compliance of the aforesaid direction, the petitioners in different groups filed Contempt Petitions No. 603 of 2018, 604 of 2018, 502 of 2018, 10 of 2019 and 57 of 2019. Ultimately all the Rules issued in those contempt petitions have been disposed of with a direction and observation by a common judgment and order dated 23.06.2021. By the said judgment and order the contemnor-respondents were strictly directed to regularize/absorb the petitioners in the permanent posts whenever vacancy arises as well as if they are not otherwise disqualified as per the relevant service rules and law. Now the petitioners obtained these review rule for review the aforesaid judgment.

Mr. M. Mainul Islam, learned Advocate appears for the petitioners in Review Petition No. 17 of 2021 while Mr. Sabyasachi Mondal, learned Advocate appears for the petitioners in Review Petition No. 20 of 2021. Learned Advocates for the petitioners in both the review petitions commonly submits that in compliance to the judgment and order passed in writ petitions No. 1186 of 2016 and 1187 of 2016, the respondent-Bank earlier by office order dated 07.02.2017 appointed 13 godown keepers and 12 godown Chowkider. Although at the relevant time there was no vacant post. But regarding the present judgments in respect of the petitioners, the respondent-contemnors are taking the plea of non availability of vacant posts and thereby violating the judgment. Although the petitioners filed these review petitions but learned Advocates find it difficult to raise any point for reviewing the judgment in question except for the prayer that the respondents should be asked for implementation of the judgment, appointing the petitioners as permanent employees.

Mr. AKM Badrudduza, learned Advocate appearing for the respondent-Bank has drawn our attention to certain office orders issued both by the Bank and the Ministry of Finance, whereby he submits that in view of decision of the concerned Ministry of Fiance and the Bank management, the Bank is not now in a position to make any permanent appointment an there is no vacancy in the relevant posts. He further submits that the judgment was conditional subject to available vacancy. He also submits that both the review petitions are misconceived.

We have gone through the review petitions, the judgment passed in the contempt petitions and the relevant judgments of the writ petitions.

It appears from the judgments of the writ petitions that the direction for absorption was given subject to available vacancy. In the judgment of the contempt petition, the same direction has been reiterated. In the circumstances, there is nothing to be reviewed as both the judgments were passed in favour of the petitioners. But the respondents have explained their position in not complying with the conditional judgment due to non-availability of the vacant posts. Considering the above, we do not find any merit in both the review petitions.

Hence, the Rules issued in review petitions No. 17 of 2021 and 20 of 2021 are discharged without any order as to costs.

Communicate a copy of the judgment and order to the respondents at once.

Razik Al Jalil, J

I agree.