

Through Video Conference

BISWWANATH SINGHA RAY & ORS.VS.
UNION OF INDIA & ORS.

Mr. Soumendra Nath Ganguly
Mr. Kinkar Pandit
 ..for the petitioners
Mr. S.N. Dutta
 ..for the respondents

This writ petition has been filed on the self-same cause of action as W.P.28183(W) of 2017. The petitioners were the contractor's labourer working in the Eastern Railway and pray for regularization/absorption on the basis of the agreement entered into between the Railways and the contractors. Similar prayers have also been made in the earlier writ petition. On the basis of a document dated August 6, 2020, the jurisdiction of this court has once again been invoked.

It is the contention of the writ petitioners that a letter dated August 6, 2020 has given rise to a fresh cause of action and hence this writ petition has been filed. A letter dated August 6, 2020 has been issued by the Director/E(G), Railway Board, to the General Manager, Eastern Railway, Kolkata, directing

that the representation made by the writ petitioners to the Ministry of Railway, Government of India, may be decided by the Eastern Railway. However, from a communication dated May 18, 2020, issued by the Senior Personnel Officer, W&IR, Eastern Railway, it appears that the petitioners have already been informed that the representation could not be considered due to pendency of the earlier writ petition and consideration would be based on the final decision of this Court. The authority may have forwarded the representation to another authority without having knowledge about the factum of pendency of a previous writ petition on the self-same cause of action. I do not think that this writ petition can be entertained as on the self-same cause of action an earlier writ petition with similar prayers is pending.

Heard the learned Advocate for the parties on the point of maintainability of the writ petition. At this juncture, Mr. Ganguly learned Advocate for the petitioners submits that this writ petition may be treated as withdrawn granting him liberty to file appropriate application in the pending writ petition being W.P.28183(W) of 2017 in order to bring on record the subsequent events, seeking relief. Liberty is granted accordingly.

This writ petition is dismissed as

withdrawn.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order,
be supplied to the parties on priority basis.

(Shampa Sarkar, J.)

