

274.
16.09.2021.
Ct. No. 11.
F.B.

**FMA 1757 of 2019
with
IA No. CAN 1 of 2021**

(Via Video Conference)

**Dulal Maiti & Anr.
-Vs.-
The Special Secretary, Power and the Managing
Director, West Bengal Power Development
Corporation Limited & Ors.**

**Mr. Tapan Kumar Rakshit,
Mr. Surajit Roy
..... For the Appellants.**

**Mr. Ranjay De,
Mr. Basabjit Banerjee
..... For the Respondent
Nos. 1, 4 & 5.**

**Mr. S. S. Koley
..... For the Respondent
Nos. 2 and 3.**

**Mr. Jaharlal De,
Ms. Srilekha Bhattacharyya
..... For the State.**

Party/Parties is/are represented in the order of
their name/names as printed above in the cause title.

The matter appears under the heading "Warning
List".

This appeal is directed against the order dated
13th of September, 2019 in the writ petition. The writ

petition is of the year 2010. The appellants were the writ petitioners.

The Hon'ble Single Bench, *inter alia*, observed that the appellants/the writ petitioners claim to be the successors-in-interest of persons from whom the Government of West Bengal had acquired certain plots of land for the purpose of construction of the Kolaghat Thermal Power Station. The process of acquisition was initiated in the year 1974. In March, 1991 a Memo of the Labour Department, Government of West Bengal was issued for appointment of candidates belonging to families which have been affected by loss of land or, homestead, as a result of the acquisition.

The appellants allege that although steps were taken to consider the persons uprooted by the acquisition, ultimately, they continue to be displaced and the Government of West Bengal acting through its agency, now the West Bengal Power Development Corporation Limited (for short, WBPDC), is duty bound to honour its commitments.

Mr. De, Learned Counsel appearing for the Respondents/WBPDC, submits that the predecessor-in-interest of the appellants had received compensation for the land acquired and, in the interregnum, following the Labour Department Circular of March, 1981, steps

were taken through a Local Advisory Committee for providing employment to the deserving uprooted candidates.

Particular emphasis is placed by Mr. De to a Hon'ble Division Bench judgment of this Court reported in *2002(1) CHN 404* wherein and whereunder it was, *inter alia*, held that the grant of employment to land losers is a matter of concession which is not enforceable in Court.

The State Respondents are represented by Ms. Bhattacharyya, Learned Advocate, led by Mr. Jaharlal De, Learned Counsel.

Having heard the parties and considering the materials placed, although Learned Counsel for the appellants strongly presses that the matter be heard on the basis of documents compiled in the form of a Paper Book, this Court is of the view that the claim to employment which allegedly arose in 1981 cannot be allowed to subsist in the year 2021. The attention of this Court is drawn to the fact that with the long passage of time and, with the admitted steps taken to secure the rights of the alleged uprooted persons through payment of compensation, consideration for employment by a Local Advisory Committee, as elaborately discussed by the Hon'ble Single Bench, the

present prayer for employment cannot survive at the end of 40 years.

Before parting with this discussion, it also needs to be mentioned that the writ petition itself has been filed in 2010, i.e. nearly 29 years after the Labour Department Circular of 1981 was published.

The principle is well recognized in law that delay defeats equity, which, if at all, the appellants claim to belong in their favour.

Thus, although the appellants also furnish a copy of an order dated 25th of February, 2014 in MAT 1820 of 2013 which, it is submitted, is an appeal on similar issues wherein the Hon'ble Division Bench was pleased to grant liberty to prepare Paper Books, to the mind of this Court a period of seven years has since lapsed since the said order was passed. Applying its mind to the facts of this case and the detailed order of the Hon'ble Single Bench dated 13th of September, 2019, this Court is not persuaded to pass a similar direction for preparation of Informal Paper Books.

In the backdrop of the above discussion, **FMA 1757 of 2019** with **IA No. CAN 1 of 2021** stand **dismissed**.

In the conspectus of the above facts, affidavits are neither necessary, nor invited. Allegations made stand to be denied and disputed.

All parties to act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Kesang Doma Bhutia, J.) (Subrata Talukdar, J.)