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2021

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No. 9578 of 2020

**Farakka Barrage Project Contractor's
Boatmen's Union (CITU) and another
Versus
Union of India and others**

Mrs. Saptanshu Basu,
Ms. Sreyashee Biswas,
Ms. Benajir Hasna,
Mr. Anindya Haldar.

...for the petitioners.

Mr. Rabindra Nath Bag,
Mr. Snehansu Majumder.

...for the Union of India.

Affidavit-of-service filed in Court today be
kept on record.

The petitioners have been running ferry
service under contractors near the Farakka Barrage
for quite some time. It is usual in such tenders, as
per the petitioners, that the existing employees are
given an option to continue with the new contractor,
in the event a fresh tender is floated.

Learned senior counsel for the petitioners
argues that a tender was floated by the respondent-
authorities, however, without inserting any such
stipulation giving preference to the existing workers
in respect of such new tender.

A representation, annexed at page 56 of the writ petition (Annexure P/5 to the writ petition), was given by the petitioners in that regard to the respondent-authorities but the authorities have not considered the same.

After learned senior counsel for the petitioners is heard, learned advocate appearing for the respondent-authorities prays for an adjournment. However, in view of the innocuous nature of the prayer to which the petitioners restrict themselves for the present, the matter need not wait any further unnecessarily.

Accordingly, WPA 9578 of 2020 is disposed of by directing respondent no.5 to consider and dispose of the representation of the petitioners, annexed at page 56 (Annexure P/5 of the writ petition), prior to proceeding further with the tender-in-question. Upon such decision being taken, respondent no.5 shall immediately communicate the same to the petitioners to enable the petitioners to take further legal action, if necessary.

The respondent no.5 is to act on the communication of the learned advocates and/or server copy of this order without insisting upon prior production of certified copy.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)