

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Through Video Conference)

WPA 1031 of 2022

Tapan Kora @ Sona Kora
Vs.
The Eastern Coalfields Limited & Ors.

Mr. Arup Krishna Das
... For the petitioner

Mr. Bijoy Kumar
... For the ECL

Mr. Devajyoti Barman
Ms. Sanjukta Basu Mallick
... For the respondent no.5

The petitioner says that his elder sister Akuli Kora was an employee of Eastern Coalfields Limited (in short "ECL") who died-in-harness. Akuli Kora was married to Madhu Kora and was issue-less. According to the petitioner, the respondent no.5 by way of impersonification has obtained the job from ECL as the son of Akuli Kora. On the petitioner's complaint, ECL authorities have taken steps. The petitioner says that though the respondent no.5 was suspended, but he is now allowed to work. The petitioner further says that the respondent no.5 should not be allowed to resume his regular duties till the disposal of the departmental proceedings initiated by ECL on the basis of the complaint of the petitioner.

In the aforesaid background, I find that the petitioner is a third party. He may have grievances against

the respondent no.5 for which various avenues are open but the petitioner cannot invoke the writ jurisdiction under service determination and seek a mandatory order against the employer ECL and the respondent no.5, the accused employee.

The respondent no.5 has also taken the point of maintainability of the writ petition at the instance of the petitioner and has cited a judgment reported in (1993) 4 SCC 119 (R.K. Jain v. Union of India & Ors.). Relying on paragraph 74 of the report in R.K. Jain (supra), the said respondent submits that the petitioner, being a third party, has no *locus standi* to canvass any legality or correctness of the action of ECL.

The writ petition is, therefor, not maintainable and is dismissed, however, without any order as to costs.

Dismissal of this writ petition will not prevent the petitioner from availing any other remedy in accordance with law, if permissible.

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

(Arindam Mukherjee, J.)