

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4066 of 2022

Dhananjay Mahata & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Lalratan Mondal
... For the petitioners

Mr. Biswabrata Basu Mallick
Mr. Sanjib Das
... For the State

The petitioners say that they were engaged as Bon Majdoor (casual Group-D post) in the year 2008 under the Divisional Forest Officer (in short "DFO"), Kharagpur Division. The petitioners say that they were getting their wages through cash vouchers upto the year 2016 and thereafter through transfer of fund in their respective bank accounts. The petitioners say that they have continuously worked for more then 10 years and, as such, they should be permitted to work upto 60 years but their engagement was discontinued on diverse reasons, including non-availability of work to be provided to them and paucity of fund.

Be that as it may, there are no specific terms and conditions for the engagement of the petitioners. The petitioners despite being given an opportunity could not produce any offer letter or engagement letter or could demonstrate their conditions of service or terms of

engagement. In the absence of any specific terms and conditions of engagement being produced, it is difficult for the writ Court to ascertain under which terms and conditions the petitioners had been engaged though the petitioners were admittedly engaged as Bon Majdoor as will appear from the admission made by the State respondents in their report in form of an affidavit.

The other part which falls for consideration is the conduct of the writ petitioners. The petitioners in the name of giving a deputation on 27th July, 2021 before the DFO, Kharagpur Division, had engaged themselves in vandalism for which the respondent no.7 had lodged an FIR before the Kharagpur local police station.

On a query, I am told by the State respondents that investigation is continuing.

Although, not named but the lodgment of FIR on account of vandalism clearly demonstrates that the employer has lost confidence in the petitioners who are admittedly casual employees. There is no procedure laid down for initiation of departmental proceedings against the petitioners as they are not Government employees or governed by any service rules. The terms of appointment as aforesaid have also not been shown. If the employer loses confidence in a casual worker, it is entitled to discontinue the services. The petitioners also cannot seek sympathetic consideration of their case after having engaged themselves in vandalism.

In this fact scenario, I am not inclined to grant the petitioners any relief as claimed in the writ petition which includes resumption of duties, payment of arrears or remuneration from January, 2019 and current remuneration.

The writ petition is, accordingly, dismissed without any order as to costs.

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

(Arindam Mukherjee, J.)