

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5803 of 2022

Sri Bicky
Vs.
Calcutta Electric Supply Corporation Limited & Anr.

Mr. Soumya Majumdar
Mr. Debanjan Mukherjee
... For the respondents/CESC

The petitioner sought an adjournment on 13th June, 2022 to address this Court on the point of maintainability of the writ petition taken on behalf of the employer – Calcutta Electric Supply Corporation Limited (in short “CESC Limited”). The matter again appeared on 22nd June, 2022 when no one appeared in support of the writ petition. Even today, no one appears in support of the writ petition. No adjournment is sought for. No one has also applied to participate in the proceedings through virtual mode.

In the aforesaid facts and circumstances, the matter is taken up in the absence of the petitioner on the point of maintainability.

Learned advocate for CESC Limited cites a judgment reported in 2003 (3) CHN 357 (Mithai Lal Passi v. CESC Limited & Ors.) wherein it has been categorically held that no writ petition lies against CESC Limited with

regard to a service related dispute between itself and its employee. This view has been accepted in a judgment and order dated 12th January, 2009 passed in WP 17843 (W) of 2008 (Argha Mukherjee v. CESC Limited & Anr.). Apart from these two judgments, I find that the writ petition is not maintainable in view of the ratio laid down by the Hon'ble Supreme Court in the judgment reported in (2003) 10 SCC 733 (Federal Bank Limited v. Sagar Thomas & Ors.).

The petitioner's father was an employee of CESC Limited who died-in-harness on 15th July, 2002. The petitioner was a minor at that point of time. The petitioner is seeking compassionate appointment upon attaining majority. The relief claimed by the writ petitioner does not come within the exceptions laid down in Sagar Thomas (supra).

In the aforesaid facts and circumstances, the writ petition is dismissed as not maintainable.

Dismissal of this writ petition, however, will not prevent the writ petitioner from seeking redressal of his grievances in an appropriate forum on the selfsame cause, if permissible in law.

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

(Arindam Mukherjee, J.)