

08.06.2022

Sl.41

Ct.No. 23

Amalranjan

(Via Video Conference)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 8035 of 2022

Liton Ghosh & Ors.

Vs.

The Union of India & Ors.

Mr. Golam Mostafa

Mr. S. Sardar

... for the petitioners

Mr. Kamal Kumar Chattopadhyay

...for the respondent nos. 2,3,

The petitioners were engaged through M/s. Bengal Protective Guards, the respondent no. 9, a contractor of the Food Corporation of India (FCI), the respondent no. 3 as Security Guards and Supervisor at different godowns of FCI.

The petitioners are seeking a restraint order against a purported threat of termination. The petitioners say that they have been discharging duties in the different godowns of FCI since 2012 and as such they cannot be terminated. That apart the petitioners on being terminated shall suffer immense hardship with their respective families.

It is submitted by FCI that the contract of the respondent no. 9 has been terminated. The said respondent has handed over charge and as on date there is no security guard or supervisor

engaged through the respondent no. 9. FCI never had any involvement in engaging the petitioners. The petitioners were always the employees of respondent no. 9.

The short question which falls for consideration is the locus of the petitioners to file and maintain an application under Article 226 of the Constitution of India. A writ petition can be maintained for the enforcement of any of the rights conferred by Part III of the Constitution or for any other purpose.

In the instant case, the petitioners have no nexus with FCI inasmuch as, they were engaged through a contractor and paid by the contractor.

The petitioners, therefore, have no enforceable right as under Part III of the Constitution as against FCI. The petitioners have also knocked the doors of the Labour Commissioner and being unsuccessful over there, have approached this Court. Even the provisions of Contract Labour (Regulation and Abolition) Act, 1970 does not come into aid of the petitioners to maintain the writ petition. The writ petition cannot also be maintained for any other purpose as regularisation of contract labourers in a fact scenario of like case is impermissible under writ jurisdiction.

The writ petition is devoid of merits and as such dismissed without any order as to costs.

(Arindam Mukherjee,J.)