

19.07.2022
Sl.No.3(SL)
srm

W.P.A. No. 8192 of 2022

Shyamal Parial

Versus

The State of West Bengal & Ors.

Mr. Billwadal Bhattacharyya,
Mr. Debonik Banerjee,
Mr. Anish Kumar Mukherjee,
Mr. Amrit Sinha

... for the Petitioner.

Mr. T.M. Siddique,
Mr. Sayak Chakraborty

...for the State-respondents.

Mr. Ait Kumar Nag,
Mr. Swarajit Dey

...for the Respondent No.5.

Mr. Aniruddha Ganguly

...for the Respondent No.6.

Despite service, none appears on behalf of the
respondent Nos.7 and 8.

The petitioner was engaged by the respondent
No.6. The respondent No.6 is a service provider at the
Geonkhali New Water Treatment Plant. It is alleged that
as the petitioner is an active member of the Bharatiya
Janata Party, the respondent Nos.7 and 8 physically
restrained the petitioner from joining his duty. The
petitioner having no other alternative, stopped attending
his duty. Notice was issued to him by the respondent No.6

on March 25, 2022 indicating that the respondent No.6 would not be in a position to solve the dispute between the petitioner and his rival political party members. It is submitted by the petitioner that on account of such resistance and threat, the petitioner was rendered unemployed.

The learned Advocate for the respondent No.6 submits that they do not have any objection if the petitioner joins his duty.

The police authorities submit that when the complaint with regard to the resistance and threats by the respondent Nos.7 and 8 was received at the concerned police station, an enquiry was made and prosecution under Sections 107 of the Code of Criminal Procedure was submitted against the respondent Nos.7 and 8.

The learned Advocate for the Haldia Development Authority submits that the said authority was not the principal employer of the petitioner and the allegations against the said respondent, has been denied.

Be that as it may, the issues as to who was the principal employer or under whom the petitioner was working, are not relevant for the present moment. As the respondent No.6 is willing to take back the petitioner, the petitioner is free to join his duty. The police authorities

shall continue to keep a vigil, which is going on. Continuous patrolling in the Geonkhali New Water Treatment Plant should be ensured and attempt shall be made to prevent any kind of harassment or threat to the petitioner.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)