

09.11.2022.
Item No.57
Court No.550
Saswata

W.P.A. 9713 of 2022
Amit Rauth & Ors.
Versus
Union of India & Ors.

Mr. Uday Shankar Bhattacharya
Ms. Sudeshna Basu Thakur

...For the petitioners

Mr. Ajit Kumar Chaubey

...For the respondent nos. 1 and 2

Mr. Kamal Kr. Chattopadhyay
Mr. Abhinaba Chatterjee

...For the respondent nos. 5-8

The petitioners claim to be security workers engaged in Food Corporation of India (FCI) warehouse, situated at West Medinipur.

Mr. Bhattacharya, learned advocate appearing in support of the aforesaid writ application submitted that on the basis of the conciliation proceedings pending before the Assistant Labour Commissioner, a settlement in Form-H was entered into by and between the FCI, the principal employer; M/s Bengal Protective Guards and All Bengal Contract Security Workers Union. Mr. Bhattacharya submits that the aforesaid settlement which is at page 40 of the writ application is not being adhered to by FCI, on the contrary, since 21st May 2022, the petitioners have been asked to leave the food storage depot of FCI. This prompted the petitioners to cause a complaint to be lodged with the Assistant Labour Commissioner (Central), Nizam Palace, Kolkata. Such complaint dated 21st May 2022

is annexed at page 43 of the instant writ application. A further complaint/ application dated 27th May, 2022 was also submitted by the petitioners with the Regional Labour Commissioner (Central), Nizam Palace, Kolkata and the Deputy Chief Labour Commissioner (Central), Nizam Palace, Kolkata.

Mr. Bhattacharya submits that since the Assistant Labour Commissioner was not acting on the basis of the complaints made by the petitioners, the present writ application has been filed. It is submitted that during pendency of the aforesaid writ application, a conciliation proceeding was initiated. In this context, minutes of the meeting dated 12th September 2022 is being relied on by Mr. Bhattacharya. Let a copy of such minutes be kept with the records.

Mr. Bhattacharya further submits that the Assistant Labour Commissioner should be directed to conclude the conciliation proceeding pending before him/her.

Mr. Chattopadhyay, learned advocate appearing for the respondent nos. 5 to 8 submits that a settlement has already been taken place between the writ petitioners on one hand, the Bengal Protective Guards and All Bengal Contract Security Workers Union on the other. Such settlement has taken place before the Assistant Labour Commissioner. Mr. Chattopadhyay further submits that the FCI has since

dispensed with the services of Bengal Protective Guards on and from 21st May 2022 at 1.00 PM. In this context a letter issued by the Divisional manager of FCI, Food supply depot., dated 21st May, 2022 is relied on. Let a copy of the aforesaid letter, relied on by Mr. Chattopadhyay be kept with the record.

Mr. Chattopadhyay submits that there is no employee-employer relationship between the petitioners on one hand and the FCI on the other hand. In any event, the disputes between the parties have since been resolved, nothing remains to be decided. It is still further submitted that the entire dues of the petitioners have been paid off. Mr. Chattopadhyay, therefore, prays for dismissal of the instant writ application.

In reply, Mr. Bhattacharya submits that his clients are not concerned with the arrangements that the FCI may have with M/s Bengal Protective Guards. But, the fact remains that the petitioners have not been paid their legitimate dues.

Having considered the submissions made by the advocates appearing for the respective parties and the materials on record, I am of the view that the instant writ application can be disposed of with a direction upon the respondent no. 4 to hear out and dispose of the conciliation proceedings pending before him/her.

According I direct the Assistant Labour Commissioner (Central), Kolkata-II, being the respondent no.4, to hear out and conclude the conciliation proceedings, pending before him/her within a period of one month from date after giving an opportunity of hearing to the parties.

All points raised by the parties are kept open to be decided by the Assistant Labour Commissioner.

With the above observations/directions, the writ application being WPA 9713 of 2022 is disposed of.

There shall be no order as to costs.

All parties shall act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)