

12.12.2022.
Item No.23
Court No.550
Saswata

W.P.A. 13297 of 2022
Bipad Bhanjan Kalsa & Ors.
Versus
State of West Bengal & Ors.

Mr. Mohini Mohan Betal

... For the petitioners

Mr. Sirsanya Bandopadhyay,

Mr. Arka Kumar Nag

Mr. Rahul Kumar Singh

...For the respondent nos. 1, 2, 7 and 8

Mr. Amit Kr. Nag

Mr. Partha Banerjee

...For the HDA

Mr. Betal, learned advocate appearing for the petitioners submits that the petitioner have already put in the deficit court fee. As such there is no impediment in hearing this writ application.

The present writ application has been filed, inter alia, praying for direction upon the respondent no.2 to take a decision for prohibition of employment of contract labourers in terms of Section 10(2) of the Contract Labour (Regulation and Abolition) Act, 1970 (hereinafter referred to as the 'said Act') in the establishment, Haldia Development Authority (HDA).

Mr. Betal, learned advocate appearing for the petitioners submits that the petitioners have been employed as contract labourers and HDA is the principal employer. The nature of work is perennial in nature and as such the authorities ought to have taken a decision as per Section 10 (2) of the said Act. Drawing attention of this Court to a representation dated 10th June 2022, Mr. Betal submits that despite making such representation, no steps have been taken by the authorities. According to Mr. Betal, it

was the duty cast upon the respondent authorities to take steps in terms of Section 10 (2) of the said Act unfortunately, no steps have been taken.

Mr. Singh, learned advocate representing the respondent nos. 1, 2, 7 and 8 submits that all records in connection with the case are not available with him and insists that the petitioners should supply the State authorities with a copy of the service records for them to take further action in the matter.

Mr. Nag, learned advocate appearing for the HDA enters appearance in the matter.

I find that the aforesaid writ application can be disposed of by directing the respondent no.2 to hear out and decide the petitioners' grievance. Considering the submissions made by Mr. Singh, I permit the petitioners to file a fresh representation with the respondent no.2, enclosing therewith all particulars of the service records, for the State respondents to take steps, in light of Section 10(2) of the said Act.

If the aforesaid representation is filed by the petitioners within a period of one month from date, enclosing therewith all particulars as aforesaid, the respondent no. 2 shall take a decision with regard to the aforesaid representation, having regard to Section 10(2) of the said Act, within 4 months from the date of making such representation.

I, however, make it clear that I have not gone into the merits of the claims of the petitioners.

Since, I have not called for any affidavits, the allegations made in the writ application are deemed not to have been admitted by the respondents.

Accordingly, the writ petition being WPA 13297 of 2022 is disposed of.

Urgent photostat certified copy of this order, if applied for be given to the parties on priority basis upon completion of requisite formalities.

(Raja Basu Chowdhury, J.)