

08.09.2022.
Item No.11
Court No.550
Saswata

W.P.A. 18901 of 2022

**Tapan Nayak & Ors.
Versus
State of West Bengal & Ors.**

Mr. Soumya Mazumder
Mr. Mohini Mohan Betal
Mr. Koustava Ratan Chatterjee

... For the petitioners

Mr. Susovan Sengupta
Mr. Subir Pal

...For the State

Affidavit of service filed in Court today is kept with the record.

The present writ application has been filed, inter alia, praying for a direction upon the respondent nos. 2 and 3 to take a decision with regard to abolition 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 of Haldia Development Authority (HDA).

Mr. Mazumder, 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 the attention of this Court to a representation dated 5th July 2022, Mr. Mazumder submits that despite making such representation, no steps have been taken by the authorities. According to Mr. Mazumder, it was a duty cast upon the respondent authorities to take steps in terms of

Section 10(2) of the said Act, but unfortunately, no steps have been taken.

Mr. Sengupta, learned advocate appearing for the State/respondent nos. 1, 4, 6, 7 and 9 submits that the authorities have all along complied with all statutory formalities. He denies and disputes the aforesaid submission made by Mr. Mazumder.

I find that the aforesaid writ application can be disposed of by directing the respondent nos. 2 and 3 to dispose of the representation made by the petitioners on 5th July 2022 in light of Section 10(2) of the said Act. The respondent nos. 2 and 3 are thus directed to take a decision with regard to the aforesaid representation within a period of 4 months from the date of receipt of this order.

I, however, make it clear that I have not gone into the merit of the claims made by the petitioners. Since, I have not called for any affidavits, the allegations made in the writ petition are deemed to have been denied by the respondents.

Accordingly, the writ petition being W.P.A. 18901 of 2022 is disposed of.

There shall be no order as to costs.

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.)