

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 22747 of 2019

Khokon Das & Ors.
Vs.
Union of India & Ors.

Mr. Kanai Lal Dutta,
... For the petitioners.

Mr. Ramjee Singh
... For the respondents.

The petitioners say that they were appointed as Safaiwala in the Traffic Department under the Metro Railway, Kolkata, on 15th March, 2010 and have been working thereat since then. The petitioners further say that they are Group-D (Ancillary Staff) under the Metro Railway, Kolkata, and are claiming salary as per Pay Band-1, of the Railway Board Guidelines.

The question, which arises before the matter can be taken up on merits, is the jurisdiction of this Court to receive, try and determine a writ petition involving service benefits of the employees of Metro Railway, Kolkata. The Metro Railway, Kolkata, was declared as the 17th Zonal Railway with effect from 29th December, 2010. The Gazette Notification to this effect was published on 28th December, 2010. It appears from the appointment letter issued to the petitioners on 3rd

March, 2010, that the petitioners were appointed in Group-D post in Pay Band : Rs.4440-7440/- , Grade Pay: 1300/- on provisional basis. The termination of services of the petitioners as referred to in the appointment letter shall be governed by Rule 301 of the Indian Railway Establishment Code-Vol-I. The petitioners have also been issued Identity Card by the Metro Railway, Kolkata, treating the petitioners to be employees of Metro Railway.

Considering all these aspects, it is clear that the petitioners are holding Group-D post in the Metro Railway, Kolkata, may be on provisional basis, which is a Zonal Railway. Any grievance of an employee of Metro Railway has to be ventilated before the Central Administrative Tribunal in view of the provisions of section 3q read with section 14 of the Administrative Tribunal Act, 1985. The writ petition is, therefor, not maintainable before this Court.

The writ petition is, therefor, dismissed on the ground of lack of jurisdiction with liberty to the petitioners to file the proceedings on the selfsame cause before the appropriate forum.

If the petitioners approach the appropriate forum, having jurisdiction, within a period of three weeks from date, the time spent between 5th December, 2019, being the date of filing of the writ petition till today i.e. 6th

May, 2022 shall be treated to be a litigation pursued before a Court without jurisdiction and the petitioners shall be entitled to consequential benefit for the same.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)