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**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**W.P.A. 2392 of 2021
(Abhijit Saha & Anr. Vs. State of West Bengal & Ors.)**

**Mr. Deborshi Dhar
... For the Petitioners**

**Mr. Bikramaditya Ghosh
Mr. Pretom Das
... For the State**

**Mr. Milindo Paul
Mr. Nabankur Paul
... For the Respondent Nos. 4 and 5**

Copy of the resolution of the Screening Committee
filed in Court is taken on record.

The petitioners have urged that their predecessors-in-interest were recorded owners of the plots in question which were acquired for the purpose of constructing Numaligarh Refinery Project by the State respondents. The predecessors-in-interest of the petitioners being the land losers were assured employment in the said project by the requiring body. The petitioners complain that though similarly circumstanced land losers have been granted employment pursuant to such assurance, the

petitioners have been deprived of such employment. Several representations were submitted by the petitioners/ their predecessors-in-interest before the concerned Authority which were not heeded to.

Learned counsel for the petitioners takes this Court to Annexure P/4 to the writ petition which is a letter sent on behalf of the Collector, Darjeeling to the Senior Manager (H.R.) The letter demonstrates that in view of the decision taken in the Screening Committee meeting held on 13th April, 2004 in the presence of officials of NRL suitable opportunity would be given for employment according to the ability of the land losers in the project. Learned counsel prays for a direction upon the concerned Authority to consider the representation submitted by the petitioners before the Authority on April 12, 2021 at the earliest.

Learned counsel for the 4th and 5th respondents places reliance on the minutes of the meeting of the Screening Committee held on 13th April, 2004 and submits that no such assurance of employment was given to the land losers at the time of acquisition of the plots in question and contractual employment has been granted to the eligible persons by the Authority through the local Employment Exchange.

The relevant portion of the proceedings of the Screening Committee meeting held on 13th April, 2004

is reproduced below for proper adjudication of the matter:

“

Regarding employment potential, Shri P. L. Baruah, Advisor (HR) categorically state that the terminal would not create any direct employment, if at all, a limited number of company workers are required to do unskilled/semi skilled nature of job, the same would be notified to the local (Siliguri) Employment Exchange. However, the terminal will provide scope for lots of indirect employment for the local peoples.”

Upon consideration of the submissions made on behalf of the parties and material on record, this Court is of the view that the concerned Authority should be directed to consider the representation submitted by the petitioners in terms of the resolution taken by the Screening Committee in the meeting held on 13th April, 2004 within a stipulated time frame.

Accordingly, W.P.A. 2392 of 2021 is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioners dated 12th April, 2021 after taking into consideration the resolution taken in the meeting of the Screening Committee held on 13th April, 2004 and after affording reasonable opportunity of hearing to all the interested parties including the petitioners within three weeks from the date of communication of this order, in

accordance with law. The decision taken by the Authority would be communicated to the petitioners within a week thereof.

It is made clear this Court has not gone into the merits of the case and the writ petitioners shall be at liberty to place their contentions as made out in the writ petition along with all relevant documents, if any, before the Authority at the time of hearing.

There shall be no order as to costs.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)