

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5432 of 2019

Ashok Kumar Sahoo and others ***Petitioners***

Mr. Digambara Mishra, Advocate

-versus-

Union of India and others ***Opposite Parties***

Mr. P.K. Parhi, ASG for Union of India

Mr. Gautam Misra, Sr. Advocate for Opp. Party No.3

CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK

ORDER

21.02.2022

Order No.

06. 1. The challenge in the present petition is to a Notification dated 9th October 2018 issued by the Ministry of Labour and Employment, Government of India exempting Paradip Port Trust (PPT) (Opposite Party No.3) from the applicability of a notification dated 4th July 2001 in respect of employment of contract labour in the works or jobs of iron ore muck cleaning and spillage removal work in the iron ore handling plant of PPT for a period of two years with effect from the date of publication of the notification.
2. Mr. Gautam Misra, learned Senior Advocate appearing for the PPT at the outset points out that the aforementioned notification has now worked itself out as a two-year period has come to an end. He states that on that short ground the writ petition should be disposed of as having become infructuous.
3. The above submission has been opposed by Mr. Digambara Mishra, learned counsel appearing for the Petitioners-Workmen, who insists that the services of the Petitioners placed at the disposal of the PPT have not been dispensed with and that they should be

held to be continuing with PPT as their 'Principal Employer'. It is pointed out that in the meanwhile a tender notice has been floated for engaging a private contractor and an attempt is being made to place the services of the Petitioners at the disposal of such private contractor.

4. The Court repeatedly asked Mr. Digambara Mishra, learned counsel for the Petitioners whether the Petitioners are unwilling to work with such private contractor and he has answered in the affirmative. The Court clarifies that the Petitioners are under no compulsion to work for any private contractor.

5. As regards the plea of Mr. Mishra, learned counsel for the Petitioners, of the right of the Petitioners to get a job on a permanent basis in PPT, after the judgment of the Constitution Bench of the Supreme Court in *Steel Authority of India v. Union of India (2001) 7 SCC 1*, as and when PPT goes in for recruitment on regular basis, preference will be given to the present Petitioners since they were working on contract labour basis earlier with PPT. Other prayers in the present petition can be sought to be redressed in other appropriate proceedings in accordance with law. The writ petition is disposed of in the above terms.

6. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge