

23.08.2023
Item No.6
Court No.550
Saswata

W.P.A. 8623 of 2023
Babul Kumar Dey & Ors.
-vs-
The West Bengal State Electricity Distribution Company
Limited & Ors.

Mr. Somnath Ghoshal
Ms. Subha Senapati

...For the petitioners

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee

...For the respondent nos. 1 to 3

Mr. Supriya Ranjan Saha

...For the respondent no. 4

- 1.** Supplementary affidavit filed on behalf of respondent nos. 1 to 3 and the exception to the report in the form of an affidavit filed by the respondent no. 4 is taken on record.
- 2.** It appears that the writ application has been filed, inter alia, praying for a direction upon the respondent nos. 1 to 4 to make payment of the wages which had fallen due from August 2013 up to April 2014. When the matter came up for consideration, it was submitted on behalf of the petitioners that they are contract labourers and had been appointed by the respondent nos. 4 for carrying out meter reading and spot billing duties as per the contract which had since been extended by letter dated 7th November 2013. It was further submitted that the respondents, despite being obliged to make payment of legitimate dues of the petitioner, the same had not been done. Having regard to the same this Court, by an order dated 5th July 2023, by taking into consideration the

submissions made on behalf of the respondent no. 4 that it had only worked with the respondent no. 1, for 4 months between August 2013 to November 2013 and since, it was further acknowledged by the learned advocate representing the respondent no. 4 that the petitioners had been engaged by the said respondent, had directed the respondent no.1 to file a report in the form of an affidavit, indicating therein the period for which the respondent no. 4 had worked with the respondent no. 1.

3. Since then, a report in the form of an affidavit, affirmed by Sri Swapan Kr. Mahato on the 1st Day of August 2023, had been filed. It would appear from the said report read with the supplementary affidavit filed on behalf of the respondent nos. 1 to 3 that the original contract was extended and the respondent no. 4 had worked up to 30th April 2014.
4. Today, Mr. Saha, learned advocate representing the respondent no. 4, by placing before this Court an exception to the aforesaid report, filed on behalf of the respondent no. 1, submits that all payments for the period August 2013 to November 2014 that were due and payable to the petitioners, have already been disbursed in their favour and have also been credited to their respective bank accounts.
5. According to Mr. Saha, since, the respondent no. 4 has only worked up to November 2013, the petitioners are not entitled to any further amount.

6. Having heard the submissions advanced by the respective parties and considered the materials on record. Since, it appears that the matter concerns disputed question which cannot be conveniently gone into and / or decided by this Court and since, there is an alternative remedy available to the petitioners, I am of the view that no further orders need be passed in this present writ application.
7. In view thereof, the writ application being **WPA 8623 of 2023** is ***dismissed*** without any order as to costs.
8. Dismissal of the writ application shall, however, not prevent the petitioners from claiming appropriate reliefs before appropriate forum, if so advised.

(Raja Basu Chowdhury, J.)