

34.
15.5.2023
S.D.

W.P.A. 8747 of 2023

**Srijib Maity
Vs.
The State of West Bengal & Ors.**

Mr. Dinesh Pani

... For the Petitioner

Mr. Susanta Paul

Mr. Subhendu Sengupta

..For the State

Affidavit of service filed in Court today is retained with the records.

The petitioner has been engaged as a Pipeline Mistry since July 1, 2022 at Baranalgaria Zone-I Water Supply Scheme by the private respondent no. 10. The petitioner works at the Sub-Divisional office of Public Health Engineering (P.H.E.) Department. It is the petitioner's grievance that he is under a threat of disengagement by the contractor/respondent no. 10 due to certain *mala fides* by some local people. The petitioner has made a representation before the Executive Engineer, PHE Department, Tamluk Division, District – Purba Medinipur for continuation of his engagement. He has stated that he is performing his service in a satisfactory nature against the post of a Pipeline Mistry, that is permanent in nature.

Mr. Pani, learned counsel appearing on behalf of the petitioner submits that threats have been issued by some local people and there is real apprehension of him being disengaged from service.

Mr. Paul, learned counsel appears on behalf of the State respondents and submits that the petitioner has been engaged by the Contractor and there is no contractual relationship between the petitioner and the State respondents.

Considering the rival submissions of the parties and the material placed on record, this Court is of the view that the petitioner has been engaged by the private respondent no. 10. As such, there is no privity of contract of the State respondents. There is also no dispute on the issue that the petitioner is engaged under the private respondent no. 10 and working under him. The petitioner has filed the writ petition based on an apprehension of disengagement by a private party.

As such, this Court finds that the writ petition is completely misconceived. No violation of his rights has been committed by the State respondents. Furthermore, the writ petition is also premature.

In the light of the discussions above, **W.P.A. 8747 of 2023 is dismissed.**

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

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

(Lapita Banerji, J.)