

17.04.2023

Item No.4

Ct. No.1

PG/KS

W.P.A. 8132 of 2018

**Uttar Para Kotrang Municipality Trinamul
Employees Union**

Vs.

The State of West Bengal & Ors.

Mr. Arka Pratim Chowdhury,
Mr. Sunny Nandy,
Mr. Jamal Singha Roy for the petitioner

Mr. Dipak Kumar Mukherjee
Mr. Rajib Mukherjee
.....for the Uttar Para Kotrang Municipality

1. This writ petition was filed in the year 2018 as public interest litigation by an Employees' Union seeking for a direction to cancel the appointment of all the selected candidates pursuant to the recruitment process initiated by the respondent/Municipality in furtherance to the Memoranda dated 5th August, 2011 and 16th November, 2012 and another Memorandum dated 14th July, 2017, which had published the list of selected candidates. The writ petition is not maintainable for more than one reasons. Firstly, the selected candidates have not been impleaded as respondents. Secondly, the writ petitioner is an employees' union and they have not disclosed the full particulars of their union and as to how they are espousing the said cause.

2. The learned advocate appearing for the respondent submits that all records are available to show that the entire recruitment process was fair and reasonable and all the selected candidates are working since 2017. Reliance has also been placed on the recent decision of the Hon'ble Supreme Court in **M/s. Creative Garments Ltd. Vs. Kashiram Verma (Civil Appeal No.5758 of 2012)** dated 16th March, 2023 wherein the Hon'ble Supreme Court has issued certain directions in respect of the pending cases as well as in all cases, which have to be filed in future.

3. In this regard, the learned advocate has drawn our attention to paragraph 23 of the judgment which is quoted hereinbelow:-

“In future all the cases to be filed and in all the pending cases, the parties shall be required to furnish their permanent address(es). Even if the representative of the workman is appearing, he shall furnish permanent address of the workman as well. Even in proceeding subsequent to first stage, it shall be mandatory to provide permanent address of the party for his service. Merely mentioning through Labour Union or authorised representatives, who are sometimes union leaders or legal practitioners, will not be sufficient. Service of notice of workman will have to be effected on the permanent address of the workman.”

4. As pointed out earlier, the selected candidates having not been impleaded as parties to

the writ petition, the prayers sought for cannot be granted.

5. Hence, we are not inclined to entertain this writ petition and the writ petition stands dismissed.

6. The learned advocate appearing for the writ petitioner submitted that liberty may be granted to the writ petitioner to file a fresh writ petition. Since we have pointed out that the writ petition itself is not maintainable at the instance of the writ petitioner/Union, we cannot grant such liberty but we can observe only that it will always be appropriate for any such appropriate person to seek any appropriate relief in accordance with law.

7. There shall be no order as to costs.

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

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)