

WPA 9653 of 2023

Surabhi Roy
Vs.
The State Fisheries Development Corporation
Limited & Ors.

Mr. Bidyut Kumar Halder
Mr. Indranil Halder
Ms. Srabanti Das
Ms. Neha Singh

....for the petitioner

Ms. Santi Das
Mr. R.D. Bhowmick

...for the respondents

The petitioner has been admittedly working as a daily rated worker from February 29, 2016 with the State Fisheries Development Corporation Limited (SFDCL).

Mr. Halder, learned counsel appearing on behalf of the petitioner submits that the petitioner took leave due to her pregnancy. After her delivery she joined duty on July 14, 2022. However, from August 2022 she could not attend office for a few days. Thereafter, she went to join her duties on September 1, 2022 when she was not allowed to resume the same.

The petitioner made a representation on September 1, 2022 to the Managing Director, SFDCL.

The said representation has not been considered till date.

Ms. Das, learned counsel appearing on behalf of the SFDCL submits that admittedly the petitioner had no legal right to pray for reengagement as she performed her duties as a daily rated worker. The petitioner was irregular in performing her duties and therefore has not been allowed to resume the same.

Considering the rival submissions of the parties and the materials placed on record, this Court finds that there is no violation of any legal right of the petitioner. The petitioner has been performing her duties as a daily rated worker and cannot insist that the respondent/employer has to engage her despite her admitted absence.

This Court finds no perversity in the decision making process of the employer in not allowing the petitioner to join her duties or to engage her on a daily rated basis since September 1, 2022.

In the light of the discussions above, **WPA 9653 of 2023 is dismissed.**

Since affidavits have not been invited in the present writ petition, the allegations made in the writ petition are deemed not to have been admitted by the parties.

All parties are to act on a server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent certified website copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(Lapita Banerji, J)