

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 14766 of 2022

Dinesh Patra & Ors.
Vs.
Union of India & Ors.

Mr. Kushal Chatterjee,
Mr. Shibjit Mitra,
Mr. Imdadul Hoque For the petitioners.

Mr. Sabyasachi Roy Chowdhury,
Ms. Tanaya Banerjee,
Ms. Sagnika Banerjee ... For the Union of
India.

The petitioners claim to be 'Safaiwala' engaged with the South Eastern Railways authorities. The petitioners claim that their nature of work is similar to that of the Group 'D' staff. Their nature of work is perennial and therefore their case for regularization should be considered in view of the provisions of the Contract Labour (Regularization & Abolition) Act, 1970 and in the light of the judgment of the Hon'ble Supreme Court with regard to the regularization of the service of persons and goods porters. The said judgment has been passed by the Hon'ble Supreme Court in W P (Civil) No. 52/2016.

After considering the submissions of the parties, this Court is of the view that the petitioner will be entitled to approach the respondent no.4/Deputy Chief Labour Commissioner, Nizam Palace, Kolkata for Redressal of their grievances raised in the writ petition in accordance

with law within four weeks from date. In the event, the petitioners approach the respondent no.4 within the stipulated time the respondent no.4 shall consider the representations of the petitioners within 8 weeks from the date upon giving a personal hearing to the petitioners or their authorised representative. A reasoned order shall be passed and communicated to the petitioners within two weeks of passing thereof.

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

With the aforesaid directions, the writ petition, being **WPA 14766 of 2022**, is **disposed of**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)