

07-12-2023

ct no. 13

Sl. 117

sp

WPA 23639 of 2023

Contractor' Workers Union of BSNL (Calcutta Telephone)
& Anr.

-Versus-

The Union of India & Ors.

Mr. Suvadip Bhattacharjee,
Mr. Balaram Patra

...for the petitioners

Ms. Chandreyi Alam,
Mr. Shiv Chandra Prasad,
Mr. Proloy Bhattacharyya

..for the Union of India

Ms. Reshmi Ghosh

...for the respondent nos. 4 & 5

1. Affidavit of service filed in Court today is taken on record.
2. The petitioners pray for a writ of mandamus directing the BSNL to implement the notification No. 168(E) dated February 6, 2002 passed by the Central Government and published in the gazette.
3. It appears that the petitioners have already approached the Central Government with a dispute that has been referred under Section 10 of the Industrial Disputes Act, 1947, for adjudication. The issue is as to whether the letter of demand dated September 14, 2020 of the petitioners for regularization of 4000 workers working as contract labour in Calcutta Telephone are entitled to

regularization or not is not germane any further since locus of the petitioners is also subject matter of reference.

4. This Court is of the view that the gazette notification of the Central Government dated February 6, 2002, can at best be part of the evidence that the parties may lead before the CGIT.
5. The alleged non-implementation of the said notification dated February 6, 2002 shall be considered as subject matter of the impugned reference dated September 14, 2020.
6. There is no need for any direction to implement the notification as it speaks for itself.
7. With the aforesaid observations, this Court is of the view that the prayers made in the writ petition need not be entertained by this Court in view of the pending reference.
8. With the observations aforesaid, WPA 23639 of 2023 shall stand disposed of.
9. There shall be no order as to costs.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

