

23-11-2023
ct no. 13
sl. 13
pk

WPA 25491 of 2023

Md. Mohiuddin and others
-Versus-
State of West Bengal and others

Mr. Subhasish Pachhal,
Ms. Rinku Pachhal

... for the petitioners

Mr. Arjun Roy,
Mr. Subhendu Sen Gupta

...for the State.

1. Affidavit of service filed in Court is taken on record.
2. The writ petitioners have all been engaged through contractors.
3. Counsel for the petitioner submits that his clients are entitled to regular employment since the nature of duties performed by them are that of a regular employee. It is also submitted that since the petitioners are working continuously from 2014, the post is permanent in nature. The respondents are illegally engaging the petitioners through contractors to avoid paying higher emoluments as regular employees.
4. The petitioners, inter alia, seek absorption in the hospital as permanent regular employees. In essence, the petitioners seek regularisation of their services.

5. It is now well settled that regularisation of casual labour can not be and should not be ordered by Courts. It is for the employer to frame an appropriate scheme for absorption of casual/contractual labour for permanent absorption.

6. If, however, the petitioners also claim any rights under the Contract Labour (Regulation and Abolition) Act of 1970 they may approach the appropriate forum with an application in accordance with law for redressal of their grievances.

7. With the aforesaid observations, the writ petition is disposed of.

8. There will be no order as to costs.

9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)