

01.02.2024
Item No.
M/L-161
Court No.550
Saswata

W.P.A. 7026 of 2015
CAN 1 of 2015 (Old CAN 6039 of 2015)
Sankar Jana
-vs-
Union of India & Ors.

Mr. S.C.Prasad

...For the respondent nos. 1 to 4

Mr. Soumya Mazumder
Ms. Sharmistha Ghosh
Mr. Victor Ghosh
Mr. Amit Ghosh

...For the respondent nos. 6 to 9

1. The petitioner is not represented.
2. Mr. Mazumder, learned advocate appearing for the respondent nos. 6 to 9, by placing before this Court a judgment delivered by this Court on 18th December 2023 in the case of ***Sri Buddhadev Maity –vs- Union of India & Ors.*** in WPA 24376 of 2014 submits that the petitioner herein is similarly situated with that of petitioner Buddhadev Maity in ***Sri Buddhadev Maity (supra)*** and in the identical facts this Hon'ble Court had been pleased to observe that the Indian Oil Corporation Limited cannot be made liable for payment of differential amount, if any, on the basis of a report prepared by the Regional Labour Commissioner in terms of the enquiry initiated under Rule 25(2)(v)(a) of the Contract Labour (Regulation and Abolition) Central Rules, 1971 (hereinafter referred to as the "said Rules").
3. Since, the petitioner has, in effect, sought for an order directing the Indian Oil Corporation Limited to compute the differential salary/wages as payable to the petitioner in terms of Rule 25(2)(v)(a) of the said Rules and such

issue having been decided, the present writ petition should be disposed of in terms of the order passed in ***Sri Buddhadev Maity (supra)***.

4. Mr. Prasad, learned advocate appearing for the respondent nos. 1 to 4 adopts the submission made by Mr. Mazumder.
5. Although, the petitioner is not represented, I have proceeded to consider the writ petition on merit in view of the reasons noted hereinbelow. I find that the petitioner, *inter alia*, questions the order dated 29th May, 2014 whereby the respondent no.8 in terms of the direction passed by the Coordinate Bench of this Court on 18th December, 2013 in W.P. 1806 (W) of 2012 had returned a finding that the question of regularization of employment of the petitioner does not arise.
6. I find that the petitioner was a contract labourer and was similarly placed with Buddhadev Maity, the petitioner in WPA 24376 of 2014. It is not the original case of the petitioner that he was ever appointed or employed directly by Indian Oil Corporation by following any recruitment process or otherwise. From the copy of the order passed by the Coordinate Bench, it appears that the Coordinate Bench at the instance of the petitioner and similarly situated persons, by its order dated 18th December, 2013 had directed the Chief Human Resource Manager of Indian Oil Corporation, Haldia Oil Refinery and Pipeline Division to, in effect, consider whether the petitioners to such application were employees of the Indian Oil Corporation or are entitled to be appointed as regular employees of the Corporation. Pursuant to the aforesaid direction the order dated 29th May, 2014 was

passed. Insofar as the entitlement of the petitioner to be appointed in Indian Oil Corporation is concerned, it was clearly provided that the petitioners shall be at liberty to apply and would be entitled to be considered for appointment in accordance with law for any vacant posts as may be advertised. I, thus, do not find any illegality, far less any irregularity in such an order.

7. On the question of consequential benefit as has been sought for, and since it appears from the statement made in the petition that there was a subsisting claim for equal pay for equal work in terms of Rule 25(2)(v)(a) of the said Rules and taking into consideration the fact that this Court had already by its judgment and order dated 18th December, 2013 decided the extent of liability of the Indian Oil Corporation for making payment of any claim arising out in connection with proceedings initiated under Rule 25(2)(v)(a) of the said Rules, I am of the view that there is no scope available for reconsideration of such question afresh.
8. Having regard to the above, the present writ petition also stands disposed of on the same terms as set forth in the judgment delivered in the case of **Sri Buddhadev Maity** (*supra*) on 18th December, 2023.
9. The writ petition being WPA 7026 of 2015 is accordingly disposed of.

In re : CAN 1 of 2015 (Old CAN 6039 of 2015)

1. None appears for the applicant.
2. In view of dismissal of the writ petition being WPA 7026 of 2015, nothing survives in the connected application being CAN 1 of 2015 (Old CAN 6039 of 2015).
3. In view of the above, the application being CAN 1 of 2015 (Old CAN 6039 of 2015) is accordingly dismissed.

(Raja Basu Chowdhury, J.)