

19.07.2024
Item No.19
Ct. No.26
CHC
(disposed of)

MAT 843 of 2024
IA NO: CAN/1/2024
CAN/2/2024

Ankit Dubay & ors.
Vs.
Union of India & ors.

Mr. Anilendra Pandey, Advocate
Mr. Prithish Chandra, Advocate
...for the appellants

Mr. Ashoke Kumar Chakraborty, Ld. A.S.G.I
Mr. Sukanta Chakraborty, Advocate
Mr. Rivu Dutta, Advocate
...for the respondents

In Re: CAN/1/2024

1. CAN/1/2024 is an application for seeking condonation of delay in making and filing the appeal.
2. Department reports 115 days delay.
3. Considering the subject-matter of the writ petition, the status of the writ petitioners and the grounds averred in the application for condonation of delay, we deem it appropriate to condone the delay in making and filing the appeal.
4. CAN/1/2024 is disposed of accordingly.
5. Appeal arises out of the order dated December 7, 2023 passed in WPA 22060 of 2023.
6. By the impugned order, learned Single Judge dismissed the writ petition.
7. Learned advocate appearing for the appellants draws the attention of the Court to an order dated

February 20, 2024 passed in MAT 215 of 2024, CAN 1 of 2024. He submits that, similarly situated and circumstanced writ petitioners approached the Writ Court and thereafter the Appeal Court in which the order dated February 20, 2024 was passed. He submits that, similar directions as that of paragraph-6 and 7 thereof should be passed.

8. Learned Additional Solicitor General appears for the respondents.

9. In the writ petition, the appellants before us as writ petitioners sought for implementation of a report of the Assistant Labour Commissioner dated September 13, 2022 prepared on the basis of the directions of the Court dated December 20, 2021 passed in WPA 13736 of 2021. Several persons approached the Writ Court from time to time. One of such was a writ petition which was dismissed and the appeal therefrom was disposed of by the order dated February 20, 2024 passed in MAT 215 of 2024.

10. Learned Additional Solicitor General does not dispute the fact that, appellants before us are similarly situated and circumstanced with that of the appellants in MAT 215 of 2024.

11. In such circumstances, in order to avoid conflict of decisions, it would be appropriate to issue the same directions verbatim as that of MAT 215 of 2024.

12. Instead of immediately directing the present appellants to raise an industrial dispute based on the report of the Deputy Chief Labour Commissioner (Central, Kolkata) with the appropriate Government, we feel that having regard to their nature and length of engagement, a body may be constituted under the aegis of the Chairman, Railway Board for consideration of the grievances of the appellants along with the report dated September 13, 2022 in order to take a conscious decision keeping in mind the nature of labour legislation.

13. Under such circumstances, we modify the order passed by the learned Single Judge by requesting the Chairman, Railway Board, to constitute a committee within a period of three weeks from the date of communication of this order, who shall consider the grievances of the appellants along with the report prepared on September 13, 2022 after giving a reasonable opportunity of hearing to the appellants, who may be allowed to be represented by an Advocate, the Contractor and the Railway Department and dispose of the matter within a period of six weeks thereafter by a reasoned order, which shall be communicated to Mr. Anilendra Pandey, Advocate representing the present appellants, within two weeks from the date of said order.

14. The issue of maintainability of the writ petition need not be decided as necessity to decide the same was not felt in MAT 215 of 2024.

15. It is clarified that, the parties shall be at liberty to take appropriate steps after the decision of the Committee's communicated to them.

16. Allegations made in the applications are deemed to be denied as affidavits are not called for.

17. MAT 843 of 2024 along with connected application are disposed of accordingly without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)