

Item No.8
07.08.2024
Court. No. 9
GB

W.P.A. 16166 of 2024

Rakib Hossain
Vs.
Union of India & Ors.

*Mr. Rabindranath Mahato,
Mr. Bipul Kumar Mandal*

...for the Petitioner.

Mr. Sanajit Kumar Ghosh

...for the Respondents.

1. Affidavit-of-service filed in Court today, is taken on record.
2. This writ petition had been filed alleging non-consideration of his representation to continue his job as a Halt Contractor at Ahiran Halt, Malda Division, Eastern Railway. According to the petitioner, the engagement of the respondent no.5 should be cancelled. Reference has been made to an earlier order passed by the General Manager (Commercial), Eastern Railway directing the competent authority to allow the petitioner to continue as a halt contractor at Ahiran Halt, for a specific period (five years and then extension of another five years in two spells of 2½ years each, subject to discharge of satisfactory performance). The petitioner further submits that the respondent no.5 was not eligible as he was not a local resident.
3. The learned advocate for the railways submits that as per the contract, the petitioner's extension was from April 19, 2023 to August 13, 2024. As the term of the

petitioner was due to expire on August 13, 2024, the authority had floated a tender. Applications were invited from proposed halt contractors. Petitioner participated in the said tendering process, but was unsuccessful. The respondent no.5 was successful. The work order has been issued and the work will commence from August 14, 2024.

4. The supplementary agreement between the petitioner and the authority is annexed to the writ petition. The first two lines of the said agreement indicates that the extension was given to the petitioner from April 19, 2023 to August 13, 2024. Thus, the petitioner has not been able to show any document which would indicate that the petitioner's tenure was either extendable or had been decided to be extended.
5. The decision of the General Manager (Commercial), Eastern Railway which has been relied upon by Mr. Mahato, indicates that in 2012 the petitioner was allowed extension for five plus five years which means ten years in total. The order was passed in 2012 and this is 2024, 10 years have already lapsed.
6. It also does not appear from the pleadings that the petitioner had mentioned that the authority floated a tender and he was an unsuccessful bidder. The petitioner does not have a legal right for extension of the contract. The petitioner has failed in the bidding process.

7. Under such circumstances, the writ petition is dismissed.
8. However, there will be no order as to costs.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)