

03 12.03.2024

Ct-08

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MAT 1984 of 2022

with

IA No. CAN 2 of 2023

Surojit De

Vs.

The Union of India & Ors.

Mr. Partha Pratim Ray

Mr. Basudeb Patra

Mr. Iswar Chandra Maity

... For the Appellant

Ms. Susmita Saha Dutta

... For Union of India

1. We have heard the learned counsel appearing for the parties.
2. In view of the fact that there is no privity of contract between the writ petitioner and the Union of India or the State of West Bengal. The contract is not enforceable against the State or the Union of India.
3. The petitioner was appointed by the Indus Integrated Information Management Limited, although it is argued on behalf of the appellant that the State of West Bengal has issued circulars from time to time awarding different benefits in favour of Vocational Training Teachers' Centre and the Directorate of Vocational Education and Training, West Bengal, issued memorandum in respect of existing VTC Teachers/Instructors who have joined as Vocational Trainers or any other capacity through NSDC Partnered Training

providers for any of 289 schools under NSQF. However, the fact remains that the petitioner remains as an employee of the Indus Integrated Information Management Limited, we are unable to accept the submission made on behalf of the petitioner by reason of the said order. The service of the petitioner is secured till the age of 60 with the enhancement of remuneration. If there is any breach in payment of any remuneration, the petitioner would be at liberty to enforce such right against the respondent no. 7 or can challenge the said order of termination before the Civil Court or any other appropriate forum, as correctly observed by the learned Single Judge.

4. In view of the above, the appeal stands dismissed.

5. In view of dismissal of the appeal, nothing remains to be decided in the application for stay being CAN 2 of 2023 and the same is accordingly dismissed.

6. In the event, any proceeding is initiated within a period of five weeks from date, the appellant shall be entitled to the benefit of Section 14 of the Limitation Act for the purpose of exclusion of the period spent in the litigation.

7. We also make it clear that we have not gone into the merits of the claim.

8. This order shall not operate as res judicata in any subsequent proceeding where the appellant may claim monetary or other benefits against the respondent no. 7.

9. However, there shall be no order as to costs.

10. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)

