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WPO/254/2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

THE CALCUTTA TRAM MAZDOOR SABHA
VS
WEST BENGAL TRANSPORT CORPORATION LIMITED AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 26th April, 2024.

Appearance:
Mr. Shounak Bhattacharya, Adv.
Mr. Shibnath Bhattacharya, Adv.
. . .for the petitioner.

Mr. Deblina Chattaraj, Adv.
. . .for the respondents.

The Court: Affidavit of service filed in Court be taken on record.

Learned counsel for the petitioner contends that the petitioner is the elected union of the employees of the West Bengal Transport Corporation Ltd.

However, contrary to the customs for the previous years, to substantiate which two annexures of previous years have been appended to the writ petition, when the petitioner informed its valid election to the management, the latter refuse to circulate the same.

It is argued that the petitioner apprehends that due to non-circulation of the newly-formed committee, the office bearers of the petitioner, despite being a registered and recognized trade union, would not be able to perform its functions for the welfare of the employees and might not be recognized by the appropriate authorities.

Learned counsel for the respondents submits that the writ petition does not disclose a clear cause of action. It is submitted that although there might have been circulations in the previous years, the petitioner do not have a statutory right to insist upon such circulation. In any event, the vague cause of action disclosed in the writ petition is belied by the fact that the representation dated January 31, 2024 annexed by Page 18, is addressed to the entire management of the West Bengal Transport Corporation Ltd. and as such, has already been brought to the notice of the said management.

Learned counsel for the respondents is justified in contending that no legal right to the petitioner is found to be infringed. Although it might have been the previous custom to circulate, the same has not acquired the status of a usage having the force of law. Be that as it may, learned counsel for the petitioner submits that the petitioner apprehends non-recognition by the management of its valid election. However, in the event the petitioner comprises of the validly elected committee/representative of the employees of the transport corporation, there is no scope of the management denying the same. In any event, the representation annexed at page 18, with copies to the entire management, and the present writ petition operate as sufficient notice to the management regarding the said stand of the petitioner. Hence, no order need be passed in the writ petition.

Accordingly, WPO 254 of 2024 is disposed of in the light of the above order.

(SABYASACHI BHATTACHARYYA, J.)