

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1670/2023
RAJU CHAKRABORTY AND ORS
-VS-
UNION OF INDIA AND ORS

BEFORE:
The Hon'ble JUSTICE RAJASEKHAR MANTHA
Date : 4th January, 2024.

Appearance :
Mr. K. Paul , Adv.; Mr. S. Dutt, Adv., for petitioners.
Mr. A. Bakshi, Adv., for respondent no.4.

The Court: 1. The petitioners claim to be casually engaged with the Indian Museum for more than 20 years. Mandamus is sought on the respondents for permanent absorption.

2. It is now that unless a scheme is devised by the Central Government, persons casually engaged cannot become entitled to any permanent absorption.

3. That apart counsel for the respondent, Indian Museum, has placed an award dated March 26, 2009, passed by the Central Government Industrial Tribunal in Calcutta in Reference Case No.11 of 2000. The petitioners are parties to the said award. The industrial dispute for permanent absorption referred to for adjudication has been settled. It is recorded in the award that the petitioners will not claim any right against the Indian Museum in any manner whatsoever. It is further mentioned in the award that

the petitioners will continue to be engaged by third party agency. The copy of the award is kept on record.

4. The petitioners are engaged and paid by a third party agency.

5. In view of the above, the writ petition is barred by res judicata, if not by the principles of estoppel.

6. WPO/1670/2023 is dismissed.

7. Considering the fact that the aforesaid award has been suppressed by the petitioners in the writ petition, this Court would have been inclined to impose costs. The petitioners are, however, let off with a warning not to indulge in such inappropriate practice in future.

(RAJASEKHAR MANTHA, J.)

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