

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

HEARD ON: 26.02.2025

DELIVERED ON: 26.02.2025

**CORAM:
THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)**

**F.M.A. 488 of 2024
With
I.A. No. CAN 1 of 2024**

**Sandip Mondal & Ors.
Versus
The State of West Bengal & Ors.**

Appearance:-

Mr. Tarun Jyoti Tewari

..... For the Appellants

Mr. Suman Sengupta

Mr. Sanatan Panja

.....For the State

Mr. Sourajit Dasgupta

Mr. Abhishek Jain

.....For the respondent no. 5

Mr. S.S. Koley

.....For the Durgapur Projects Limited

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This intra-Court appeal is directed against the order dated January 18, 2024 in W.P.A. No.21269 of 2023. The writ petition was filed seeking for a direction upon the respondents to direct them to appoint the writ petitioners as permanent employees under the Durgapur Projects Limited as the writ petitioners were under the Trans Damodar Coal Mining Private Limited as trained and skilled coal mining workers.

2. Further, the writ petitioners prayed for payment of salaries due and payable for a period of 62 months' till May, 2020 with interest; to direct the authorities to deposit the due amount in the Provident Fund accounts of the writ petitioners and to direct the authorities to take steps against Durgapur Project Limited for committing fraud upon the writ petitioners.
3. The learned Single Bench, in our view, rightly dismissed the writ petition on the ground that the claim for making them as permanent employees of Durgapur Project Limited is undoubtedly a service matter pursuant to a contract and the question of entertaining a writ petition for such a relief is not maintainable and accordingly, the writ petition was dismissed.
4. If the appellants/writ petitioners claim that they should be absorbed by the entity, which took over the Trans Damodar Coal Mining Private Limited, then their remedy lies elsewhere and such matter cannot be adjudicated in a writ petition.
5. Therefore, we find no ground to interfere with the impugned order passed by the learned Single Bench.
6. Accordingly, the appeal and the connected application (I.A. No. CAN 1 of 2024) stand dismissed.
7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(CHAITALI CHATTERJEE (DAS) J.)