

23rd July, 2025

Item no. DL 13
Court No. 4

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WP.CT 146 of 2025**

In the matter of :

SK. GAHAR ALI & ORS. *.... Petitioners*

VS.

UNION OF INDIA & ORS. *....Respondents*

For the Petitioners :

Mr. Ujjal Ray
Mr. Abdur Rahim
Mr. Binit Kumar

....Advocates

For the Respondents :

Mr. Chirantan Dawn
Ms. Banani Bhattacharya

....Advocates

1. Heard the learned counsel for the petitioners and the learned counsel for the respondents.
2. The present writ petition arises out of an order dated 27.09.2024 passed in O. A. No. 01270 of 2023 whereby and whereunder the writ petitioners' O.A. has been dismissed.
3. The present applicants / petitioners claim that for some time they have worked as casual labours. The system of engagement of casual labour was stopped on account of certain enquiry made on the basis of some communication by the Vigilance and CBI. At a later date the petitioners have

approached the authority for re-engagement as casual labourers.

4. When their request was not acceded to, they approached the Tribunal by filing OA 242 of 2020. The Tribunal disposed of the OA with a direction to the respondents for consideration of the claim of the petitioners / applicants by affording them an opportunity of personal hearing which was accorded to the petitioners / applicants on 11.01.2023. The 16 petitioners have appeared before the SPO / Engineering and have been asked to give the documents showing their past engagement. The authority found that no document was in possession of the petitioners / applicants. The documents annexed in the OA on which reliance was sought to be placed, was neither found in the office of the authority considering the claim of the applicants / petitioners, or in the headquarter. It is under such circumstances that the speaking order has been passed by the authority in compliance of the order passed in OA no. 242 of 2020. This speaking order dated 16.01.2023 has been challenged in OA 1270 of 2023.
5. Learned advocate appearing for the petitioners / applicants submits that the documents which the petitioners relied upon is very well with the

authorities as it was part of the OA no. 242 of 2020. The finding recorded, therefore, in the speaking order is not sustainable.

6. Having considered the said submissions, we have made a specific query from the learned advocate that even if it is to be presumed that the documents are with the authorities, would the petitioners have any right to be engaged on casual basis which can be enforced by issuance of a direction upon the Tribunal or the Writ Court so as to engage them on casual basis. He submits to reconsider the claim.
7. Having regard to the facts and circumstances noted above, we are of the view that the petitioners claim that they have worked as casual labours in the past is based on documents which do not exist in the records of the authorities / respondents. The respondents have taken a specific stand that signature on some of the documents being relied upon does not tally. They have also alleged that some documents being relied upon are allegedly issued by authorities who are not the competent authority for issuing the same. The applicant / writ petitioners' claim is thus based on seriously disputed issues of fact which the Tribunal or this Court would normally not look into.

8. The record further reveals that the petitioners' claim for casual engagement is founded on recommendation of a Member of Parliament.
9. Upon consideration of the above noted facts and circumstances we find that the petitioners' challenge to the speaking order dated 16.01.2023 is founded on a serious factual dispute. Whereas the applicants asserted that their claim for being engaged on causal basis was supported by certain documents showing that earlier they had worked on causal basis. Their documents have been found unreliable by the respondent authorities, as noted above. The claim for casual engagement is also supported by a recommendation of a legislator as noted above which cannot be made the basis of any right whatsoever. The learned Counsel for the petitioner has not been able to show that the petitioners' have any enforceable right arising out of any rules / circulars or any executive instruction for enforcement of which they can seek a positive direction by the Tribunal or the writ Court. In the circumstance, rejection of their claim by the Tribunal in our opinion does not give rise to any miscarriage of justice for which this Court is required to exercise judicial review under Article 226 of the Constitution of India. We find no

infirmity in the order of the Tribunal dismissing the O. A. No. 1270 of 2023.

10. The writ petition is accordingly **dismissed**.
11. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Hon'ble High Court.
12. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all requisite formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)