

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

**Present:**

**The Hon'ble Justice Ananya Bandyopadhyay**

**WPA 17723 of 2016  
With  
CAN 1 of 2024**

**Ranjit Mitra  
Vs.  
State of West Bengal & Ors.**

|                      |                                                 |
|----------------------|-------------------------------------------------|
| Petitioner-in-person | : Mr. Ranjit Mitra                              |
| For the State        | : Mr. Debnarayan Banerjee,<br>Md. Ahsanuzzanman |
| Judgment on          | : 21.04.2025                                    |

**Ananya Bandyopadhyay, J.:-**

1. In reply to an advertisement published in a daily vernacular newspaper on 28.06.2002 the petitioner communicated a letter to the senior executive, Lily Biscuit Company, an undertaking of Govt. of West Bengal in the capacity of an established Commission Agent which was replied in the affirmative by appointing him as market associate for institutional sales and a letter dated 08.07.2002. Another communication dated 01.11.2003 was issued through the senior executive certifying that the petitioner was appointed as marketing associate for supply of Lily Biscuits to hospitals in West Bengal for institutional sale on case to case basis.
2. However, vide a letter dated 28.07.2016, the respondent authority stated that the letter dated 08.07.2002 was not an appointment letter and asked

the petitioner to submit a document which could be treated as an appointment letter.

3. The petitioner contended that the respondent authority had not paid the salary to the petitioner despite requests in writing and was compelled to file the instant writ petition seeking relief of grant of salary in his favour.

4. The petitioner appeared in person and argued as follows:-

- i. The respondents ought to have considered the functioning of the petitioner as a Marketing Associate from 2001 to 2016 and should have granted salary.
- ii. The respondents ought to have given a personal hearing to the petitioner on the basis of the representation thereto for redressal of the petitioner's grievances and thus violated the principles of natural justice.
- iii. Inaction on the part of the respondents concerned by not granting salary in favour of the petitioner even after lapse of 15 years caused him immense financial constraints, hardship and prejudice.

5. The advocate representing the respondent submitted that a report was issued in compliance with the High Court order on 28.07.2017 in WP No. 17723(W) of 2016 and it was found that the petitioner was not appointed as an employee of the company who was appointed as a medical associate and not as an employee of the respondent company. No appointment letter was ever issued in favor of the petitioner as an imprimatur recognizing him to be an employee of the respondent/company against any sanctioned post on completion of the appointment process. The petitioner was appointed as a commission agent entrusted to supply Lily

Biscuits against an approved price list and his claim should not be entertained.

6. As per the letter dated 28.06.2002 issued by the petitioner to the respondent, the petitioner represented himself to be a commission agent marketing food product to public and private sector. The petitioner prayed for entrusting any commission on sale of biscuits of Lily Biscuits Co. Pvt. Ltd.
7. The letter dated 08.07.2002 revealed the invitation to offer his distributor services was accepted by the company and he was informed of the price list of the food products manufactured by Lily Biscuits Co. Pvt. Ltd. for exploring the prospective market as the company's marketing associates i.e. distributor and that his appointment for each institution as identified by him as prospective customer for Lily Biscuit would have been based on the inputs given by him.
8. The letter dated 27.11.2001 bearing Memo No. 640:2001 issued by the respondent authority in paragraph 4 clearly indicated that the petitioner was a distributing agent and not an employee of Lily Biscuits Company Pvt. Ltd.
9. The letter dated 09.08.2004 bearing Memo No. 2957 issued by the Government of West Bengal was a communication from Superintendent of District Hospital, Nadia, informing the petitioner, who was entrusted institutions wise distribution of Lily Biscuits that Aryan Traders Distributed the Food products of Lily Biscuit Company Pvt. Ltd. regularly and satisfactorily. The communication in no way supported the claim of the petitioner. On the contrary it clarified that the petitioner was distribution agent of the company.

10. The letter dated 27.11.2001 bearing Memo No. 640:2001 issued by the respondent authority merely forwarded a petition of the petitioner by the then Joint Secretary to the Governor to the Principal Secretary of Health and Family Welfare Department without supplying a copy to the Lily Biscuits Company and was based on an unknown matter related to the petitioner. The communication was in no way related to the appointment of the petitioner as an employee of Lily Biscuits Co. Pvt. Ltd.
11. The order of the Hon'ble High Court dated 07.04.2005, being Writ Petition No. 4835(W) of 2005 was with regards to the inaction on the part of the respondent authority for non-inclusion of a certain product i.e. Biscuit of Lily Biscuits Co. Pvt. Ltd. as daily diet list of patients in each Government Hospital. Thus, it was not at all related to the appointment of the petitioner in Lily Biscuit Co. Pvt. Ltd. Non-related and irrelevant documents were included in the writ petition.
12. Similarly in W.P. No. 25877(W) of 2006, the order of the Hon'ble High Court dated 21.12.2006 was not in favour of the petitioner, and was a direction for hearing all concerned and to take an informed decision on the subject matter, which was not related to the subject matter of the instant writ petition.
13. The order of the Hon'ble High Court, Calcutta dated 17.03.2016 in writ petition being no. 5094(W) of 2016 in the matter of non-action on the part of the respondent authorities for lifting of Biscuits items of Lily Biscuits Co. Pvt. Ltd. Biscuits Company for distribution to the M.R. Distributors to the M.R. dealers for allotting to ration card holders. The order of the Hon'ble High Court was no way related to the appointment of the writ petitioner in Lily Biscuits Co. Pvt. Ltd.

14. In the letter addressed to the Secretary, Public Enterprises, dated 16.05.2016 the petitioner referred to the order of the Hon'ble High Court dated 17.03.2016 in W.P. No. 5094(W) of 2016. The said writ petition was in no way related to the PE & IR Department and was related to the supply of biscuits manufactured by Lily Biscuit Co. Ltd. to ration card holders served by AR/SR/MR Dealers. In the aforesaid letter the petitioner prayed for salary without stating any valid reason for the request, asking for recasting of his appointment letter, which appeared to be vague and absurd.
15. Through a letter dated 13.08.2010 of the petitioner addressed to MD Lily Products Limited (LPL) he prayed for appropriate salary after lapse of 8 years after his appointment as distributing agent and it was clear from his letter that he was aware that the other employees of the company were getting paid after the closure of the company and was taking advantage of the same, though he was not been employed on the same terms and conditions. In fact he submitted that he was a distributing agent and should be paid salary like other employee of Lily Biscuits Co. Pvt. Ltd.
16. Lily Biscuits Company by their letter dated 28.07.2016 informed the petitioner that the letter no. 31.08.2002 dated 08.07.2002 was not an appointment letter, so was requested to submit further any letter issued by the company which would be treated as appointment letter. The petitioner did not submit any letter till date.
17. The petitioner at the inception proposing himself to be a commission agent sought for being appointed as market associate as aforesaid which was accepted by the respondent/State in his favour, conferring him the status of a market associate.

18. The petitioner could not establish his status to have been appointed as an employee of the respondents against a sanctioned post. He preferred the functions of the distribution agent supplying biscuits at the allocated and identified hospitals against a price list provided by the respondent authorities.
19. The petitioner through multiple writ petitions endeavoured to fluster and ruffle the respondents to reconsider his status as that of a regular employee instead of a distribution agent working on basis of commission. The petitioner was entrusted to work as a “market associate” as an agent as mentioned in the communication dated 27.11.2001.
20. The petitioner was never appointed as an employee of the respondent/State. Moreover, despite his own assertion he could not produce any documents to justify his claim to be entitled to salary functioning as market executive which otherwise was not a sanctioned post but akin to a distribution agent.
21. The petitioner in the above premise is not entitled to any relief as sought for.
22. In view of the above discussions, the instant writ petition being WPA 17723 of 2016 stands dismissed. Connected applications, if any stands dismissed.
23. There is no order as to costs.
24. Photostat certified copy of this order, if applied for, be given to the parties on priority basis on compliance of all formalities.

**(Ananya Bandyopadhyay, J.)**