

24.09.2025
Item No.10
BR

WPA 21774 of 2025
State Bank of India and anr.
-vs-
Union of India and Ors.

Mr. Piyush Kumar ,
Mr. Soubhik Dey
... for the petitioner

Mr.P.Karan Singh,
Mr. Anindya Sundar Das

... for the UOI

Mr. Bikash Ranjan Bhattacharya
Mr. Samid Ahammed,
Mr. Tapas Maity,
Ms. Ambiya Khatun

.... For the respondent No. 5

1. The writ application has been preferred challenging the jurisdiction of the Central Authorities to hear the case relating to File No. 48/116/2025-E.2 and has also challenged the order dated 22nd August, 2025, vide which the learned Controlling Authority(Central) has been pleased to consider the case of the petitioner herein and has disposed of the point of jurisdiction by

holding that the State Bank of India is a necessary party on relying upon Form-N of the applicant.

2. Learned counsel for the petitioner/SBI submits that the workmen herein were employed by a contractor being Kolkata Udyog Corporation, which has business only within the territorial of West Bengal and as such the appropriate authority herein is the State Government and the SBI is not a necessary party.

3. It is further submitted that admittedly the said workers were employed through contractors to provide service to the petitioners herein who appear to be the principal employer.

4. It is the case of the petitioner that it is not the principal employer who is liable for the claim of the workers. They are appointed through the contractors and it is the contractor who shall be held liable.

5. Learned counsel for the petitioner has relied upon a judgment in Rhone Poulenc (India) Ltd. -vs- Anjali Devrukhar and Ors, reported in 2005 (2) Mh. L.J.. Paragraph 8 of this judgment is relevant in this case. Paragraph **8** is quoted below:

“ The perusal of order of S.L.D.T. dated 31.5.1986 also reveals that the S.L.D.T. has , in fact, recorded statement of four persons and has done due inquiry. It is to be noticed that the matter was received back by S.L.D.T. after remand made by member, Maharashtra Revenue Tribunal, Nagpur on 21st October, 1985. The fresh inquiry was conducted by Surplus Land Determination Tribunal , Mahagaon and during that inquiry statements of four persons were recorded and also affidavits were taken. After due inquiry and also after local inquiry the Surplus Land Determination Tribunal has

recorded that the husband and wife were residing separately and there is Talaq between them. Thus, the finding recorded by Surplus Land Determination Tribunal is based upon evidence which was found during inquiry. In such circumstances learned Additional Commissioner had not given any reason as to why such finding could not have been accepted. The entire order of Additional Commissioner is based upon only surmises. The said order is, therefore, quashed and set aside.”

6. On the other hand, learned senior counsel, Mr. Bhattacharya appearing for the respondents submit that it is the law that in case the contractor does not meet his liabilities, the principal employer is liable to pay the said claim and is at liberty to recover the same from the contractors.

7. On hearing the learned counsel for the parties

and on considering the facts and circumstances as placed, it appears from the order dated 22.08.2025 that the contractor Kolkata Udyog Corporation is not appearing before the authority concerned.

8. It is further submitted by the respondent/ employees that admittedly the employees have worked under the contractor but as the contractor is not paying their dues, the employees of the contractors herein are now entitled to their claims from the principal employer.

9. Considering the said facts and admittedly the fact being that the contractor is not present nor available, the liability falls on the principal employer and in this case it is the State Bank of India.

10. Thus, this Court finds that the order under challenge being in accordance with law requires no interference.

11. The writ application stands dismissed.
12. Petitioners herein are directed to participate in the proceedings, which is to be decided in accordance with law.
13. Parties to act on the server copy of this order.

(Shampa Dutt (Paul), J.)