WBCHCA0315882026

Item Nos.2 & 3
Ct. No.1
RP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WP.CT 152 of 2026

1) JAYASHREE PAL (MAJI)
daughter of Bhuban Mohan Maji, wife of Debabrata Pal
age-38, of 10/13, Aryabhatta Avenue, B-Zone, Durgapur,
District-Paschim Bardhaman, PIN-713205. **]**

2) SOMA CHAKRABORTY (MONDAL)
daughter of Santi Mondal, wife of Pankaj Chakraborty,
aged about 45 years, of Village-Bhadur, Post Office-Andal
District- Paschim Bardhaman, PIN-713321. **]**

3) PRASHANTA KUMAR MAJI
son of Samarendra Nath Maji, aged about 45 years, of
Andal More, Near Andal G.P. Office, Post Office-Andal,
District-Paschim Bardhaman, PIN-713321. **] …..Petitioners**

versus

1) Union of India, Ministry of Steel, Government of India,
service through the Secretary, having its office at
Udyog Bhawan, Dr. Maulana Azad Road, New Delhi,
110011. **]**

2) Union of India, Ministry of Labour and Employment,
service through the Private Secretary, having its office
at Shram Shakti Bhawan, Rafi Marg, New Delhi, 110001. **]**

3) **Steel Authority of India Limited,** service through the Chairman, having its office at Ispat Bhawan, Lodi Road, New Delhi-110003.]

4) **The Director Personnel, Steel Authority of India Limited,** having its office at Ispat Bhawan, Lodi Road, New Delhi-110003.]

5) **Durgapur Steel Plant,** service through the Director-in-Charge, having its office at Durgapur, District-Paschim Bardhaman, PIN-713203.]

6) **The Executive Director (Works),** Durgapur Steel Plant having his office at Durgapur, District-Paschim Bardhaman, PIN-713203.]

7) **The General Manager (Personnel and Administration),** Durgapur Steel Plant having his office at Durgapur, District-Paschim, Bardhaman, PIN-713203.]

8) **The Deputy Manager (Personnel) Durgapur Steel Plant** having his office at Durgapur, District-Paschim Bardhaman, PIN-713203.]

9) **The Assistant General Manager (Pers-NW & IR),** Durgapur Steel Plant, having his office at Durgapur, District-Paschim Bardhaman, PIN-713203.]

10) **The Assistant Manager (Education),** Durgapur Steel Plant having his office at Durgapur, District-Paschim Bardhaman, PIN-713203.]**… Respondents**

With

WP.CT 153 of 2026

1) **GITA PAL**

Wife of Sankar Pal, aged about 45; resident of 13, Dinobandhu Mitra Path, City Center, Durgapur,

District-Paschim Bardhaman, PIN-713216.]

2) **RENA ZABEEN**
wife of Md. Salahuddin, aged about 51, resident of Rahimabad South Bazar, Andal, Post Office-Andal, District-Paschim Bardhaman, PIN-713321.]

3) **Asrafur Rahaman Khan**
son of Jahir Hossain Khan, aged about 43, resident of DN 557, Coke Oven Colony, Durgapur, District-Paschim Bardhaman, Pin-713363.
Presently residing at B.C. Roy Avenue, Garriage More, Labourhat, Battala Para, Durgapur, P.O. Durgapur, Police Station-Coke Oven, District-Paschim Bardhaman, PIN-713201.]**.. Petitioners**

vs.

1) **Union of India, Ministry of Steel,** Government of India, service through the Secretary, having its office at Udyog Bhawan, Dr. Maulana Azad Road, New Delhi, 110011.]

2) **Union of India, Ministry of Labour and Employment,** service through the Private Secretary, having its office at Shram Shakti Bhawan, Rafi Marg, New Delhi, 110001.]

3) **Steel Authority of India Limited,** service through the Chairman, having its office at Ispat Bhawan, Lodi Road, New Delhi-110003.]

4) **The Director Personnel,** Steel Authority of India Limited, having its office at Ispat Bhawan, Lodi Road, New Delhi-110003.]

5) **Durgapur Steel Plant,** service through the Director-in-Charge, having its office at Durgapur, District-Paschim Bardhaman, PIN-713203.]

6) The Executive Director (Works), Durgapur Steel Plant having his office at Durgapur, District-Paschim Bardhaman, PIN-713203. **]**

7) The General Manager (Personnel and Administration), Durgapur Steel Plant having his office at Durgapur, District-Paschim, Bardhaman, PIN-713203. **]**

8) The Deputy Manager (Personnel) Durgapur Steel Plant having his office at Durgapur, District-Paschim Bardhaman, PIN-713203. **]**

9) The Assistant General Manager (Pers-NW & IR), Durgapur Steel Plant, having his office at Durgapur, District-Paschim Bardhaman, PIN-713203. **]**

10) The Assistant Manager (Education), Durgapur Steel Plant having his office at Durgapur, District-Paschim Bardhaman, PIN-713203. **]… Respondents**

Appearance:
Mr. Uday Sankar Chattopadhyay
Ms. Snigdha Saha
Mr. Suman Sankar Chatterjee
Mr. Pronay Basak
Ms. Trisha Rakshit
Ms. Aishwarya Datta
Ms. Bidisha Chakraborty
Ms. Sadia Parveen

…..Advocates for Petitioners

Mr. S. Nandy, Sr. Adv.
Mr. N. C. Bhattacharyya
Mr. U. K. Jana

…..Advocates for Respondent Nos.3 to 10

CORAM: RAVINDRA VITHALRAO GHUGE,
CHIEF JUSTICE
&
OM NARAYAN RAI, J.
Date: 06.10.2026

Judgment (Per Ravindra V Ghuge, CJ)

1. **Rule.** Rule made returnable forthwith and heard finally by the consent of the parties.

2. After extensive submissions canvassed by all the parties before us yesterday and today, and upon considering the record before us, we are tempted to observe that the Steel Authority of India Limited, has acted unfairly. In the present case, the Steel Authority of India has canvassed before us that these Petitioners were given a break of one month every year, they were not paid salaries on Saturday and Sunday and they were not getting salaries during the Durga Puja festival, by applying the principle of 'no work - no wages'. Yet, the Learned Counsel for the Steel Authority of India had the cheek to argue before us that none of these petitioners should be granted any relief because they were engaged temporary for six years. They were kept on daily basis initially at the rate of Rs.100/- per day and finally at the rate of Rs.300/- per day. Since they were granted break in service, all teachers should be treated as temporaries. We are disappointed by such conduct and submissions.

3. It is undisputed before us that these Petitioners have been working in each academic year, shown as on daily wages from 2009 to 2015. In 2015, they secured an Order from the Provident Fund Authorities as regards Provident Fund contributions, accumulations and benefits of the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. The moment they got this order from the Provident Fund Authority, they were disengaged.

4. We are informed by the Learned Counsel for the Employer that the Steel Authority of India Limited has been conducting the Durgapur Steel Plant (DSP). These schools were started in early 1970s, under the aegis of the DSP. One of the teachers, namely, Smt. Amita Majumder (Halder), who was working from 1978, has been regularized in employment. There is no dispute that the Petitioners before us were engaged in 2009 and were disengaged in 2015. They were in employment for six years with artificial breaks during the vacation and now they are out of employment for the last eleven years.

5. We have considered the fact situation and have perused the judgment of the Tribunal. The Employees have apparently spent a short tenure in employment and have been out of employment for the last 11

years. Issue is as to whether these Employees could be entitled to reinstatement in service, with continuity and back-wages and as to whether it would be practicable to do so.

6. We have considered the law laid down by the Hon'ble Supreme Court in ***Mohan Lal vs. Management of M/s. Bharat Electronics Ltd, (1981) 3 SCC 225; Jagbir Singh vs. Haryana State Agriculture Marketing Board & Anr., (2009) 15 SCC 327; Assistant Engineer, Rajasthan State Agriculture Marketing Board, Sub-Division, Kota vs. Mohan Lal, (2013) 14 SCC 543; Assistant Engineer, Rajasthan Development Corporation vs. Gitam Singh, (2013) 5 SCC 136; BSNL vs. Man Singh, (2012) 1 SCC 558; BSNL v. Bhurumal, (2014) 7 SCC 177; Bhavnagar Municipal Corporation vs. Salimbhai Umarbhai Mansuri, (2013) 14 SCC 456.*** In these judgments, the Hon'ble Supreme Court noticed that where an employee has been out of employment for a long time and has spent a short spell in employment, granting reinstatement with continuity and full back wages may not be productive and feasible. A reasonable compensation can be arrived at to compensate such employee for having put in particular number of years in service.

7. It is canvassed before us by the Management that there were several schools that were operated by the Education Department of the Durgapur Steel Plant, under the aegis of the Steel Authority of India Limited. Gradually, the number of students fell and because the students' strength started depleting, DSP started closing down a few schools. There were boys as well as girls schools operated in Durgapur A & B Zone. There were multipurpose schools as well.

8. The Learned Counsel for the Employees vehemently submits that till 2015, all these schools, which had been operating in peak form, were being closed down after these Employees/Petitioners succeeded before the Provident Fund Authorities. The Management realized that several employees will now be demanding Provident Fund contributions and Provident Fund benefits/coverage. Then the Management started refusing admission to the students who were taking education in Bengali, Hindi and English medium schools operated by the Durgapur Steel Plant.

9. We have perused a specimen employment order (the last order) issued to Mr. Prasanta Kumar Mazi (an Employee/Petitioner) dated 03.06.2015, issued by the Education Department of the Durgapur Steel Plant, Steel Authority of India Limited, indicating that Mr. Prasanta

Kumar Mazi was hired as an ad hoc teacher for the academic year 2015-2016 to teach in any of these three language schools. He was directed to take classes in more than one DSP schools in a week. He was to be paid Rs.300/- per day as honorarium for the days he teaches. The assignment was said to be on 'No Work No Pay' basis. Apart from teaching, he was held responsible for home assignment, evaluation of answer scripts, conduct examination and other related work as may be directed by the Principal or Vice-Principal. He was directed to teach in all subjects that he may have studied at the Graduation and Post-Graduation level. He was held 'not to be entitled to any medical facility or any leave or any other allowance or facilities'. His service was at the sole discretion of SAIL/DSP. His assignment was declared to be purely on day to day basis with no right to seek regularisation.

10. To say the least, reading such an appointment order, shocks our judicial conscience. Teachers in this country cannot be treated like this. Their condition is as bad as a daily wager labourer. They were not even given medical assistance free of cost. There was no Provident Fund coverage. We do not see any clause indicating that they were covered under any Health Insurance Scheme. They were kept on daily wage basis

which would mean that after the end of the day, as per the desire of the Education Department of the Steel Authority of India Limited/Durgapur Steel Plant, they would be terminated, even overnight. Total insecurity, for these teachers, to say the least.

11. It is in this backdrop that, the Central Administrative Tribunal was surprisingly impressed by the submissions of the Management that these teachers had no right to reinstatement and regularisation. The Tribunal concluded that the Original Application filed by such teachers was without any merit and deserved to be dismissed.

12. The Tribunal has recorded in the Impugned Judgment that engagement letters issued to the teachers from time to time, indicate purely temporary employment. The Management pleaded no existence of teaching post, though it is stated that for 11 months these teachers were appointed to teach the students in the school who had an annual admission in each academic year. We are surprised as to how a school could operate without sanctioned teachers strength. The Tribunal noted that the number of students dwindled over the years from 3252 students in 2012 to 233 in 2022. The Tribunal also recorded that two schools were merged in to one school and therefore the number of teachers fell. However, the Tribunal

failed to consider as to whether these Teachers should have been offered monetary compensation while being discharged from employment.

13. It is conceded that after extracting work from these Petitioners for six years, they have been shown the door apparently because they started litigating. Be that as it may, compensation could have been granted after having put in six years with the Management in each consecutive academic year. The last drawn salary of these teachers is admittedly a paltry sum of Rs.300/- per day. A conservative assessment for 26 working days, excluding Sundays, could be Rs.7800/- per month, as in the year 2015.

14. Considering the plight of Petitioners/Teachers as noted above and the unethical conduct of the Respondent Employer, which is a Public Sector Undertaking (PSU), by keeping a large compliment of teachers as daily wagers and issuing appointment orders on daily wage basis, we find that these teachers should have been compensated monetarily. They were not even paid Gratuity. They are still litigating for their PF dues and benefits. Taking into account the above referred judgments of the Hon'ble Supreme Court and the passage of time, we find that compensation of Rs.1.5 lakhs per year of service put in by these Petitioners, would be

adequate compensation by way of a comprehensive package in lieu of reinstatement in service with continuity and back-wages. Needless to state, their PF dues/accumulations for the said six years, would be over and above this compensation.

15. Since we find that the Learned Tribunal could have looked at this case from a pragmatic perspective and could have undone the injustice caused to the teachers, who were treated as daily wagers, for years, we are of the view that the Impugned Judgment deserves to be modified.

16. In view of the above, **this Petition is partly allowed**. The Impugned Judgment of the Tribunal is modified with the following directions :-

a) Each of the teacher-Employee before us and who were before the Tribunal as Applicants, shall be paid Rs.1.5 lakhs per academic year of service rendered by the said teacher.

b) The amount to be paid depending upon the number of years of service put in by such teachers, would be calculated by the Respondent Employer and shall be paid to Petitioners within 45 days from today.

c) If the amount is not paid within 45 days from today, 6% simple interest per annum, shall be added on the compensation amount until the said amount is actually paid.

17. **Rule is made partly absolute in the above terms**.

18. At this juncture, the Learned Counsel for the Management submits that there are several other such teachers who are yet to approach the Court. He prays that this order should not be treated as a precedent and should be restricted only to the facts of this case.

19. We are unable to accept the said request. We have relied upon the judgments of the Hon'ble Supreme Court and we have adopted a conservative approach in calculating the compensation amount to be paid to the teachers, which would be commensurate to the respect of the teachers. As such, if any other similarly placed teachers come to the Court, the parties are at liberty to cite this judgment.

(OM NARAYAN RAI, J.) **(RAVINDRA V. GHUGE)**
Chief Justice