



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.22652 of 2025

F.C.I. Workers' Union, Cuttack

....

Petitioner

Mr. D.P. Nanda, Senior Advocate
along with Ms. Sarita Moharana, Advocate
-Versus-

Union of India and others

....

Opposite Parties

Mr. P.K. Parhi, DSGI
along with Mr. D. Harichandan, CGC for O.P. No.1
Mr. Debasish Nayak, Advocate, for O.Ps. No.2 to 4

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

Order No.

ORDER
20.08.2025

- 01.** **1.** The writ petition is at the behest of the trade union challenging the notice inviting tender dated 26th June, 2025 for engagement of the handling labours at Khurda Road (Jatni) depot as illegal, arbitrary, and contrary to the settlement dated 28th May, 1973 and also the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 and the Rules framed thereunder.
- 2.** It is submitted by Mr. D.P. Nanda, learned Senior Counsel appearing for the petitioner that the moment the depot is coming directly under the control, administration and the management of the Food Corporation of India (FCI) as a department, the regular



employees cannot be spared nor can be taken out to accommodate the contract labourers. It is fervently submitted that the Food Corporation of India has devised a mechanism of transferring the regular employees/workers of the depot to another depot *en masse* with an intent to avail the services of the contract labourers and, therefore, the arbitrariness, *mala fide* and, therefore, comes within the purview of a colourable exercise of the powers vested upon him.

3. Learned counsel for the opposite parties-FCI submits that the said depot does not come within the purview of Section 10 of the said Act and, therefore, none of the provisions of the Act has any binding effect on his client. He submits that the certified standing order of the FCI prevalent throughout the country provides for a transfer of whole gang from one depot to another and, therefore, there is no justification in the stand of the Union to forestall any decision to be taken by the organization. He further submits that till date, a decision has not been taken for *en bloc* transfer of the entire fleet of the workers deployed in the said depot and, therefore, the grievance is at a premature stage.

4. Be that as it may, we feel that the matter requires a consideration and the stand of the opposite parties are also required to be disclosed before this Court.



5. We, therefore, direct the opposite parties-FCI to file counter affidavit within ten days from date; rejoinder, if any, shall be filed within five days from the date of the service of the copy of the counter affidavit.

6. List this matter on 10th September, 2025.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

S.K. Behera

Signature Not Verified

Digitally Signed
Signed by: SISIRA KUMAR BEHERA
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 21-Aug-2025 14:32:04

