



2023:CHC-AS:44049

23.8. 2024
item No.116
n.b.
ct. no.24

WPA 24331 of 2019

with
CAN 2 of 2024
+
CAN 3 of 2024
+
CAN 4 of 2024

Eastern Railway Contractors Workers Union & Ors.
Vs.
Union of India & Ors.

Mr. Sandipto Bose,
Mr. Diptendu Banerjee,
Mr. Debapratim Guha,
Ms. Anchinta Sarkar,
..... for the petitioner.
Mr. Subrata Bhattacharyya,
Ms. Shipra Santra,
..... for the petitioner no.3
Mr. Indrajeet Dasgupta,
Ms. Puspita Bhowmick,
.... For the Union of India.

In Re. CAN 2 of 2024

This is an application filed by the petitioner no.3 with a prayer that leave may be granted to the petitioner no.3 to withdraw the instant writ petition and to file fresh separate writ petition on the self-same cause of action.

Learned advocate appearing on behalf of the writ petitioner no.3 submits that during the pendency of the writ petition, it comes to notice to the writ petition that the petitioner no.2 of this writ petition is regularising service of 542 contractual workers under the Indian Railways. It has also come to notice to the petitioner no.3 that hardly about 100 genuine persons, in the said penal have



originally served with the Railways under the contractor at railway lines and the rest of the names all fake and false persons was listed. The fake contractual workers were included in the penal against the collection of huge extraneous consideration. It is the positive fact of petitioner no.3 that petitioner no.2 namely, Sujit Kumar Das along with his associates have collected huge sums of money by including fake contractual workers in the penal, who never served the railway under contractor in the railway lines.

He further submits that necessary complaint has been made to the concerned authority and the investigation is going on. He further submits that the instant writ petition if allowed to be continued by the petitioner no.2, who has no authority to proceed further in the writ petition, the interest of the workers Union would be jeopardized. Thus, only to save the personal injury and reputation of the present petitioner no.3, he submitted the application to withdraw the instant writ petition.

Learned counsel appearing on behalf of the petitioner nos. 1 and 2 submits that the entire allegation is false and frivolous. He also filed an affidavit-in-opposition against the CAN 2 of 2024 along with an additional affidavit-in-opposition, the petitioner no.3 also filed supplementary affidavit and reply against the affidavit-in-opposition of petitioner no.1 and 2.



Perused the pleadings as well as the documents connected therein. It appears from the writ petition that the petitioner no.1 is the Eastern Railways Contractors Workers Union, a labour union represented by its General Secretary Sujit Kr. Das. Petitioner no.2 Sujit Kumar Das himself as a General Secretary and petitioner no.3 to be the President of the said Union. The affidavit was of the writ petition sworn by the petitioner no.2. It appears that there are disputes between the petitioner no.2 and 3 during the pendency of the instant writ petition. The petitioner no.3 submits that the petitioner no.2 has taken huge amount of money from the persons, who were not actually labour workers at railway lines. It is the case of the petitioner no.2 that the petitioner no.3 presently, is not at all the President of the Union at present.

It appears to the Court that both parties are denied the rival contentions by filing specific affidavits. It appears that the complaint as made by the present petitioner no.3 before this court regarding taking gratification by the petitioner no.2 from the other persons is not within the ambit of this writ petition. However, as the petitioner no.3 intends to withdraw the writ petition to save himself from allegations of corruption, so, at this juncture, it would be appropriate to expunge the name of the petitioner no.3 from this instant writ petition.

Hence petitioner no.3 be expunged from the writ petitions, however, the petitioner no.3 is at leave to sue



afresh on the same-same cause of action according to law. The complaint made in CAN 2 of 2024 along with documents therein, appears to me extraneous to the writ petition. Thus, the merit of the complaint and these documents is not consider by this Court. However, it kept open for the appropriate authority before whom the complaint may be made.

I make it clear that I have not pass any comment regarding the merit complaint made by the petitioner no.3 against the petitioner no.2 in the writ petition, it would be decided by the competent authority at the relevant point of time according to the law.

The petitioner nos. 1 and 2 at leave to correct the cause title of the writ petition within a fortnight.

Accordingly, CAN 2 of 2024 is disposed of.

In Re. CAN 4 of 2024

This is an application for complaint of perjury made by the petitioner no.2 against the petitioner no.3. This writ court has not entered into the complaint made by the petitioner no.2 in CAN 2 of 2024 and it was be kept open by the concerned authority to decide the matter. Thus, CAN 4 of 2024 is also disposed of with a liberty to the petitioner no.1 and 2 to raise the issue made in CAN 4 of 2024 before the appropriate forum wherever they may raise the issue afresh on which the concerned forum shall decide the complaint on merit according to law.



Accordingly CAN 4 of 2024 is also disposed of under the above observation.

Let the matter be appeared on September 5, 2024.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)