
(2017) 06 CAL CK 0039
In the Calcutta High Court
Case No : 14559 (W) of 2017

Shiba Prasad Banerjee

APPELLANT

Vs

The State of West Bengal & Ors.

RESPONDENT

Date of Decision : 29-06-2017

Acts Referred:

Citation : (2017) 06 CAL CK 0039

Hon'ble Judges : DEBANGSU BASAK

Bench : SINGLE BENCH

Advocate : Arabinda Chatterjee, ?Surya Maity, ?Joydip Kar, ?Mohan Kumar Sanyal, ?Dwaipayan Sanyal, ?Arunesh Pathak, Saptangsu Basu, ?Saugata Bhattacharjee, Samrat Sen, ?Amrita Panja Moulick

Judgement

1. The petitioner has assailed a work order dated March 1, 2017 issued in favour of the respondent no. 6.

2. Learned Senior Advocate appearing for the petitioner has submitted that, an e-tender was floated for outsourcing of cleaning and housekeeping services at rural hospitals of Burdwan and Asansol by the Department of Health and Family Welfare. The petitioner had participated in such e-tender proceeding. He has referred to the various terms and conditions of the tender and has submitted that, the private respondent in whose favour the ultimate work order had been issued, did not fulfil the essential terms and conditions of the tender. He has submitted that, the private respondent does possess the requisite registration under the Contract Labour (Regulation and Abolition) Act. The private respondent did not employ 20 or more workers for the 12 months from the issuance of the tender. He has submitted that, the report and the summary of the acceptance of the technical bid of the private respondent were wrong. He has also referred to the application made under the Right of Information Act, 2005 and the reply given thereto. In particular, he has referred to the reply dated April 17, 2017 by the authorities. As the private respondent does not have the requisite qualification, he has submitted that, the work order issued in favour of the

private respondent should be quashed.

3. Learned Senior Advocate appearing for the respondent no. 3 has submitted that, his client has complied with the provisions of the Contract Labour (Regulation and Abolition) Act, in its entirety. The registration is required to be taken by the employer. Moreover, once the contract is entered into, his client will undertake the exercise of registration. There being no complaint from the employer as to nonregistration, the allegations made therein should not be countenanced.

4. Learned Additional Advocate General appearing on behalf of the State has submitted that, the private respondent fulfils the essential terms and conditions of the tender process. Work order in favour of the private respondent had since been issued. The Writ Court need not interfere in such context.

5. I have considered the rival contentions of the parties and the materials available in record.

6. The petitioner and the private respondent had participated in an e-tender issued by the Department of Health and Family Welfare for the purpose of outsourcing of cleaning and housekeeping service at rural hospitals of Burdwan and Asansol. One of the essential terms and conditions of the e-tender process was that, a participant must have a requisite registration for contract labour under the Contract Labour (Regulation and Abolition) Act. The private respondent had such registration but in respect of a locality other than the tendered locality. The private respondent would be required to obtain due registration under such Act on the award of the contract. It has not been established that, the private respondent has not done so. The Work order in favour of the private respondent had been issued on March 1, 2017. The subject e-tender relates to work at public hospitals.

7. In such circumstances, I am not minded to interfere in the present writ petition. W.P. No. 14559 (W) of 2017 is dismissed. No order as to costs.

8. Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.