

**T.S. 535 of 2023**  
**Present: Sri Subhash Kumar Kar, Judge, Bench-V (WB 00592)**

Order No. 03/ Dated 18.03.2023

The date is fixed for hearing of the petition under Order 39 Rule 1 & 2 of C.P.C.

No caveat has been lodged as reported by the office.

It is contended by the Ld. Advocate appearing for the plaintiff/petitioner that the plaintiff is an employee of the defendant and in the month of January 2018, he was transferred to a shop in Ranchi Church Complex, Jharkhand as Store Manager and he took the charge of the store with a unsalable stock valued at Rs. 25,30,983/- and during the period of service the plaintiff had caught many other employees who used to make pilferage of the goods kept in the store and on 17.11.2019 one Audit was conducted and a shortage of stock of worth Rs. 5,61,056/- was detected and according to the claim of the defendant employer, he had to pay Rs. 3,25,000/- on account of such shortfall and in the month of March 2021 another audit was conducted and a shortage of stock worth Rs. 11,46,457/- was detected and he was compelled to pay the same by the defendant employer and thereafter he was asked to report at the Head Office in Kolkata in April 2021 and since then he was neither assigned or allotted any duties nor he was paid his salary and he served a legal notice upon the defendant for allotting him duty and due to the said conduct of the defendant, it appears to him that the defendant intends to terminate him from service and he prayed for an ad-interim order of temporary injunction in terms of his prayer.

On perusal of the documents annexed with the record, it appears that admittedly the plaintiff/petitioner is an employee of the Bata India Ltd., and presently working in the capacity of the Store Manager and it appears from the demand notice served on his behalf that presently he has been kept in waiting without any assignment or salary.

Therefore, having regard to the prima facie case made out by the plaintiff/petitioner, I am of the view that unless an interim protection is given to the plaintiff/petitioner there is a chance of causing irreparable loss and injury.

Under such circumstances, Issue notice upon the defendant/respondent, calling upon him to show-cause within 10(ten) days from the date of the receipt of the notice, as to why the as to why the relief as prayed for shall not be granted.

Let there be an ad-interim order of temporary injunction, restraining the defendants from initiating any process for termination of the plaintiff/petitioner from his service and this ad-interim order of temporary injunction will continue till the next date fixed.

Plaintiff/petitioner is directed to comply the provision of Order 39 Rule 3(a) & 3(b) of C.P.C.

To **19.04.2023** for S/R & A/D.

Plaintiff to file requisites at once.

Dictated & corrected by me:

Sd/-

**Judge, Bench-V**  
**City Civil Court, Calcutta**

Sd/-

**Judge, Bench-V**  
**City Civil Court, Calcutta**

