

05.05.2026
Item No.8
Ct. No. 30
Aloke

WPA 7032 of 2026
with
CAN 1 of 2026

Bharat Petroleum Corporation Limited & Ors.
Vs.
Union of India & Ors.

Mr. S.R. Saha
... for the petitioners

Mr. Swarvanu Saha
Mr. Debashish Basak
... for the respondent nos. 1 and 3

Mr. Susanta Pal
Mr. Subham Majumder
... for the respondent no. 2

1. Affidavit-of-service filed be kept with record.
2. CAN 1 of 2026 is an application under Section 17B of the Industrial Disputes Act filed by the respondent no. 2 herein. The petitioners have filed their objection to the said application.
5. It is fairly admitted by the learned counsel for the petitioners that though they have heard that the petitioners is gainfully employed, they could not get hold of any documents in respect of the said information.
6. Accordingly, the application under Section 17B of the Industrial Disputes Act is taken up for hearing and final orders.
7. Learned counsel for the petitioners has brought the notice of this Court to the following

observation and direction of the learned Tribunal in the impugned award :-

*“I hold that the dismissal of the petitioner on the basis of the impugned enquiry proceeding and the orders passed on 19.01.2016 and 25.04.2016 are not based on legal evidence and materials on record and the same being not tenable are set aside. The respondent authority is directed to reinstate the petitioner in his service within one (1) month from the date of communication of the order. He is also entitled to his full back wages from the date of his termination till the date of his reinstatement. **The employer authority however, shall reserve the right for determining the age of petitioner according to the scientific test and medial jurisprudence, especially when the employee has failed to produce any Birth Registration certificate under the West Bengal Registration of Births and Deaths Act, 1969 and he has not produced any certificate of public examination from any statutory Examination Board.**”*

8. Learned counsel for the petitioners has further relied upon paragraph 33 of the writ application wherein the dispute as to the date of birth of the respondent no. 2 is as follows:

“33. Following discrepancies have been noticed in different documents respondent No. 2’s date of birth:

<i>Document</i>	<i>Date of Birth</i>
<i>Application for Employment</i>	<i>25-02-1973</i>
<i>Pre Employment Medical Form</i>	<i>25-04-1977</i>
<i>Reply dated 15.10.2008 to Chargesheet bearing reference RMLPGBP</i>	<i>25-02-1975</i>
<i>Second Reply dated 18.08.2015 to Chargesheet bearing reference RMLPGBP</i>	<i>25-02-1973</i>
<i>Letter to Regional Manager Central Bank of India</i>	05-02-1964
<i>Year of Birth as per Employment Exchange Date</i>	1959
<i>Majherhati Junior High School passing Certificate</i>	<i>25-02-1973</i>

9. From the different dates of birth as provided by the respondent no. 2 before different forums, it appears that the year of birth as per Employment Exchange date is **1959** as given by the respondent no. 2, though, at the time of employment he had given his date of birth as 25.02.1973.

10. Considering the fact that the learned Tribunal in its award has permitted the petitioner herein to determine the of age of the respondent no. 2 and also considering the fact that the year of birth before the Employment Exchange given, by the respondent no. 2 is **1959**, it prima facie appears that the respondent no. 2 as per the said year (1959) has superannuated in the year 2019.

11. Considering the fact that on superannuation no relief under Section 17B is permissible, the prayer in view of such observations and facts and circumstances cannot be allowed at this stage.

12. Thus, prayer under Section 17B of the Industrial Disputes Act stands rejected at this stage.

14. The application being CAN 1 of 2026 is thus disposed of.

15. The present writ application be listed for final hearing in the **monthly list of June, 2026**.

16. Parties are at liberty to file their short notes on the next date.

17. It is further directed that the petitioners herein before the matter is next taken up for hearing, shall complete the procedure of determining the date of birth of the respondent no. 2, as directed in the impugned award and the respondent no. 2 shall extend all cooperation for the said exercise.

18. It is made clear that in case the age determination as directed goes in favour of the respondent no. 2, he shall be at liberty to prefer a fresh application under Section 17B of the I.D. Act.

(Shampa Dutt (Paul), J.)