

05.08.2026
Ct. No. 30
Sl. No.2 & 3
skg

WPA 12780 of 2026

**Sankar Chatterjee @ Shankar Chatterjee
Vs.
The State of West Bengal & Ors.**

**With
WPA 15017 of 2026
Murlidhar Ratanlal Exports Limited
Vs.
The State of West Bengal & Ors.**

Mr. Uddipan Banerjee, Adv.
Mr. Subhrakanti Samanta, Adv.
...for the petitioner in WPA 12780/2026

Mr. Soumya Majumdar, Sr. Adv.
Mr. Ghanshyam Pandey, Adv.
...for the respondent no.4 in WPA 12780/2026

Mr. Soumya Majumdar, Sr. Adv.
Mr. Ghanshyam Pandey, Adv.
...for the petitioner in WPA 15017/2026

Mr. Uddipan Banerjee, Adv.
Mr. Subhrakanti Samanta, Adv.
...for the private respondent in WPA 15017/2026

Ms. Soma Chakraborty, Adv.
Ms. Rupsa Sreemani, Adv.
...for the State

1. Supplementary affidavit is filed enclosing further documents.
2. Learned Counsel for the State has placed a fresh report.
3. The Joint Labour Commissioner (P) Chandannagore, Hooghly, who is the Controlling Authority in the present case, is present and heard.

4. It appears that due to inadvertence the Joint Labour Commissioner has passed an order on 30.06.2026, by setting aside the impugned order in the present case dated 04.05.2023, on the ground that the said order dated 04.05.2023, was not signed by the then Controlling Officer.
5. This Court in its order dated 21.07.2026, has specifically noted that an officer passed by another officer of the same rank cannot set aside the orders.
6. On hearing the Joint Labour Commissioner being the respondent no.3 herein, this court finds that the said order dated 30.06.2026 was passed due to inadvertence by the said officer and accordingly the said order dated 30.06.2026, of which the petitioner is not aware, liable to be set aside.
7. It also appears that the private respondent herein, was not aware of the nature of proceedings which led to the order dated 30.06.2026 being under the impression that there were required to answer the show cause issued earlier the said order dated 04.05.2023 (unsigned).
8. Considering the objection raised by Mr. Mazumdar, learned Senior Counsel appearing for the private respondent, that an unsigned order cannot be put into execution, moreso because the private respondent was not given an opportunity to appear and be heard in the

said proceedings, which led to the impugned order dated 04.05.2023.

9. Accordingly, the said orders dated 04.05.2023 and 30.06.2026 are **quashed and set aside**. The Joint Labour Commissioner (P) Chandannagore, Hooghly/ Controlling Authority being the respondent no.3, shall hear the matter afresh, in presence of both the parties and shall also consider the materials already on record being the pleadings, evidence etc., on the basis of which the order dated 04.05.2023 was passed, with liberty being granted to both the parties to adduce further evidence if deemed necessary and the respondent no.3 shall hear the argument of the parties, being the petitioner and the private respondent and then proceed to pass an order on the basis of the said total materials on record.
10. As such as the parties have raised the issue regarding service in respect of the hearing before the Joint Labour Commissioner, the 1st hearing be fixed on 18th August, 2026, at 11 a.m. in the office of the Joint Labour Commissioner (P) Chandannagore, Hooghly.
11. The writ applications being **WPA 12780 of 2026** along with **WPA 15017 of 2026** stand disposed of.

[Shampa Dutt (Paul), J.]