

10.09.2025
Ct. No. 30
S.L No. 09
MKP

WPA 19567 of 2019

Stoplift Infotech India Pvt. Ltd.

Vs

Subhasis Manindar & Anr.

Mr. Soumya Majumder, Sr. Adv.
Ms. Pubali Sinha Chowdhury
.....for the Petitioner

Mr. Suvadip Bhattacharjee
Mr. Balaram Patra
.....for the Respondent no.1

Mr. Mukti Chandra Ghosh
.....for the State

1. CAN 3 of 2025 has been filed praying for direction upon the Assistant Labour Commissioner, E.L.& M.W. Section, Kolkata to take steps to withdraw complaint case No. C-642-2023 pending before the Learned Chief Judicial Magistrate, Howrah.
2. During pendency of the writ application, a settlement has been arrived at between the parties. One of the terms and conditions as laid down in the memorandum of settlement, is that there shall be withdrawal of all cases initiated by the

respondent/workman **including the criminal case initiated on his behalf, by the officer concerned of the Labour Department.** It is submitted by the Learned Counsel for the respondent that he has made an appropriate application dated 19.08.2025 before the Assistant Labour Commissioner praying for withdrawal of the complaint case filed before the Howrah Court, being Complaint Case No. 642 of 2023. The said application is at page 41 of the CAN application.

3. The Assistant Labour Commissioner(A.L.C.), E.L. & M.W. Section, Kolkata has issued a letter dated 09.07.2025 to the respondent/workman stating as follows:-

“Sub: Your letter dated 19.06.2025 regarding settlement/agreement between you and Stoplift Infotech India Private Limited.

I am directed to advise you to approach this forum after settlement of legal dues as per Order/Award of the appropriate authority/Ld. Tribunal.

Sd/-

*Assistant Labour Commissioner,
E.L.& M.W.Section, Kolkata.”*

4. It appears that the A.L.C. asked the respondent/workman to approach his office after settlement of legal dues as per the order/award of the Appropriate Authority/Learned Tribunal.

5. On hearing the Learned Counsels for the parties and on perusal of the materials on record and on considering the fact, that the parties have amicably settled their disputes by way of a written agreement, the said terms and conditions in the agreement are to be duly complied with by the respective parties.

6. Compliance of the terms and conditions of settlements are condition precedent for any settlement to take place, and as such the Assistant Labour Commissioner, E.L. & M.W. Section, Kolkata is directed to take necessary steps for withdrawal of the Complaint Case No. 642 of 2023 pending before the Court of the learned Chief Judicial Magistrate, Howrah, by the 15th September, 2023, as prayed for by the workman.

7. The said complainant, who has registered the case before the Court, shall approach the Learned

Chief Judicial Magistrate, Howrah, with an appropriate prayer for withdrawal of the criminal case, on the basis of the terms and conditions made in the settlement and pray for withdrawal of the Criminal Case which the learned Magistrate shall dispose of in accordance with law on urgent basis.

8. As none appears for the Learned Counsel for the State, Mr. Mukti Chandra Ghosh, an empanelled lawyer of the State of West Bengal present in Court is appointed to represent the State in this case. Let his appointment be regularized by the appropriate authority.
9. The Learned Counsel for the State is directed to inform the concerned Officer being the A.L.C. along with a server copy of this order, for immediately compliance.
10. A copy of this order be placed before the learned Chief Judicial Magistrate, Howrah for compliance.
11. State to file a report in respect of the withdrawal of the criminal case on the next date.
12. It is made clear that the direction in this order has been made on the basis of an application

dated 19.08.2025 filed by the respondent/workman praying for withdrawal of the complainant case being Annexure 'P-3' to the CAN application at page 41.

13. Matter to appear on the **17th September, 2025**, for further orders.

[Shampa Dutt (Paul). J]