

26.09.2025
Item No.2
Ct. No. 30
Aloke

WPA 22987 of 2025

**M/s. Medicare Environmental Management
Private Limited**

Vs.

The State of West Bengal & Anr.

Mr. Soumya Majumdar, Id. Sr. Adv.
Mr. Ritesh Kr. Ganguly
Ms. Sanjukta Dutta
Ms. Utsa Podder
Ms. Debasmita Chakraborty
... for the petitioner

Mr. Vimal Kr. Shahi
... for the State respondent

1. Affidavit-of-service filed be kept with the record.
2. Leave to file supplementary affidavit annexing the copy of the enquiry report is granted.
3. The writ application has been preferred challenging an award dated 18th March, 2025 passed by the learned Second Labour Court, West Bengal in Case No. 05 of 2015 under Section 2A(2) of the Industrial Disputes Act,1947 and published on 21st April, 2025 by the Government of West Bengal.
4. It is the case of the petitioner that the Second Labour Court, West Bengal under the provisions of Section 2A(2) of the Industrial Disputes Act, 1947 and registered as Case No. 05/2015 under Section 2A(2) has held that there was refusal of employment in this case as the service was not terminated by any letter. The Labour Court granted

re-instatement and 50% back wages and costs along with all consequential benefits.

5. It is the case of the petitioner that respondent no. 2/workman who has not entered appearance in spite of service was engaged in certain disputes and differences while raising certain charter of demands. The workers went on a flash strike, completely jeopardizing public safety and health care services in the locality, in complete disregard to the responsibilities of the workers engaged in essential services and stopped attending work. **The Conciliation meeting resulted in a bipartite settlement.**

6. It is also alleged that few of the workers including the petitioner had assaulted the representatives of the Management and, as such, a charge-sheet-cum-suspension order had been issued on 6th August, 2013. On completion of departmental proceedings, the enquiry officer found the charges to be proved.

7. The Management without terminating his services, issued a transfer order dated 27th January, 2014, transferring the respondent no. 2 to Gaziabad unit of the company. But the respondent/workman refused to resume his duties.

8. It is further the case of the petitioner that though a bipartite agreement was signed on 6th September, 2013, it is alleged by the

respondent/workman that he was not allowed to join his duties on and from 1st January, 2014.

9. It is the contention of the petitioner that the fact of transfer was on record, in the written statement before the Labour Court and a copy of the transfer order has been placed before this Court.

10. It appears that the transfer order dated 27.01.2014 was issued, on the enquiry report's finding that the respondent/workman was guilty, but the Management wanted to give one opportunity to the respondent and, as such, he was transferred to Gaziabad.

11. Vide a letter dated 01.11.2022, the respondent no. 2 was dismissed from service on the ground that the respondent/workman did not attend the enquiry nor did he deny the charge in the charge-sheet and also failed to join his place of transfer. So finally he was dismissed on and from 31.10.2022.

12. Considering the said case as made out by the petitioner, the writ application is required to be heard in presence of the opposite parties.

13. Petitioner to serve notice upon all the respondents and file affidavit-of-service on the next date of hearing.

14. Pending hearing of the writ application, the award dated 18th March, 2025, passed by the learned Second Labour Court, West Bengal in Case No. 05 of

2015, be stayed till 15th December, 2025 or until further orders whichever is earlier.

15. Matter to appear in the monthly list of December, 2025.

16. Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Dutt (Paul), J.)