

17.12.2025
Item no.16-18
Court No.10
RANJAN

WPA 26230 of 2025
With
WPA 28006 of 2025
With
WPA 28011 of 2025

***M/s. Medicare Environmental
Management Pvt. Ltd.***
- VS. -

The State of West Bengal & Ors.

Mr. Soumya Majumdar, Learned Senior Advocate
Mr. Ritesh Kumar Ganguly
Ms. Sanjukta Dutta
Ms. Utsa Podder
Ms. Attri Roy
Ms. Debasmita Chakraborty

.....For the Petitioner

Mr. Asish Kumar Guha
Mr. Benazir Ahmed

.....For the State
(in WPA 26230 of 2025)

Mr. Vivekananda Bose
Mr. Kushal Das

.....For the State
(in WPA 28006 of 2025)

Ms. Jayeeta Sinha
Mr. Ranjit Rajak

.....For the State
(in WPA 28006 of 2025)

Mr. Narayan Rakshit
Mr. Nilay Rakshit

.....For the Private Respondent No. 2

In Re.: WPA 26230 of 2025

1. The petitioner has challenged an *ex parte* Award dated 18th March, 2025 passed by the Judge, Second Labour Court, Kolkata in Case No. 11/2014 under Section 2A(2) of the Industrial Dispute Act, 1947 praying inter

alia, for the following reliefs:

- “(a) A writ of and/or in the nature of Certiorari commanding the respondents and each one of them, their men, agents, assigns and subordinates to certify and transmit to this Hon'ble Court the records of the case including the award dated 18th March, 2025 passed by the Learned Second Labour Court, West Bengal in Case No. 11 of 2014 under Section 2A(2) the Industrial Disputes Act, 1947 and published on 11th April, 2025 by the Government of West Bengal,, so that conscionable of justice may be administered by quashing the same;*
- (b) A writ of and/or in the nature of Mandamus commanding the respondent authorities and each one of them their men, agents, assigns and subordinates to rescind, recall, revoke and withdraw the award dated 18th March, 2025 passed by the Learned Second Labour Court, West Bengal in Case No. 11 of 2014 under Section 2A(2) of the Industrial Disputes Act, 1947 and published on 11th April, 2025 by the Government of West Bengal, and to act in accordance with law;*
- (c) Any other appropriate writ or writs, order or orders and/or direction or directions;*
- (d) Rule NISI in terms of prayers (a) to (c) as above;*
- (e) An interim order restraining the respondents from giving any effect or further effect to the award dated 18th March, 2025 passed by the Learned Second Labour Court, West Bengal in Case No. 11 of 2014 under Section 2A(2) of the Industrial Disputes Act, 1947 and published on 11th April, 2025 by the Government of West Bengal, till the disposal of this application;*
- (f) An ad-interim order in terms of prayer (e) above;*
- g) Costs of and incidental to this*

application be borne by the respondents;

(h) Such further and/or other order or orders be passed and/or direction or directions be given, as to this Hon'ble Court may deem fit and proper.'

2. Apropos of the facts of the case is that the petitioner is a company is engaged in the operation of Bio Medical Waste and Environmental Management and Pioneer in emphasizing the need to set up scientific common bio medical waste treatment and disposal facilities.
3. The petitioner submits that the respondent no. 2 is a workman engaged as a 'Picker' since 2004 by the petitioner. Thereafter the respondent no. 2 was engaged in certain disputes with regard to revision of wages and continued to go for a strike completely jeopardizing the public safety and health care services. The respondent no. 2 with other employees did not attend work.
4. Thereafter on 10.7.2013 a conciliation meeting was held and resulted to a settlement. Petitioner among the other employees who went for a strike did not tender apology.
5. On 27.1.2014 the management issued a transfer order, transferring thereby the respondent to the unit at Muzzafarpur Unit by giving an opportunity to continue work in the company.

6. A representation dated 24.2.2014 was followed by another respondent dated 27.2.2014 by the worker of the petitioner, admitting the fact of signing the bipartite settlement. The respondent no. 2 was kept out of work till 30.12.2013 and was suspended and debarred from working since 01.01.2014.
7. A representation was made alleging inter alia, that the respondent No. 2 was not allowed to resume his duties after 31.3.2013. On two occasions 21.10.2014 and 18.11.2014 the respondent made a representation by way of a Demand of Justice challenging inter alia, the transfer order and resumption of duty.
8. The petitioner submits that the respondent no. 2 was issued Charge-sheet/Show Cause cum Suspension Order dated 6th July, 2013 as to why respondent no. 2 shall not be suspended for his misconduct.
9. Thereafter, second Charge-sheet/Show Cause cum Suspension Order dated 20th August, 2013 was issued as to why disciplinary action shall not be taken against the respondent no. 2.
10. Thereafter, on 11.01.2014 an Enquiry Officer was appointed. Upon compliance of due procedure of law the Charge-sheet issued against him for his misconduct.
11. Subsequently, the petitioner issued a Transfer Order dated 27.01.2014 by giving one more opportunity to

the respondent No. 2 to continue to work in the Company.

12. The respondent no. 2 made a representation before the Chairman of the Ramky Group dated 17.07.2014 by tendering an apology for the misconduct and to withdraw the punishment and be allowed to resume his duty. Thereafter, on 21.10.2014 respondent no. 2 wrote a letter and prays for back wages and other consequential statutory benefits. Since the conciliation proceeding was not effective the respondent no. 2 approached for redressal before the Industrial Tribunal.

13. An application was made under Section 2A(2) under the Industrial Disputes Act before the Tribunal on the ground of refusal of employment. The application was heard and disposed of by passing an award dated 18.11.2025 holding inter alia that the respondent no. 2 is entitled to receive 50/- back wages from date of determination till the actual reinstatement with all consequential benefits which is the subject matter of challenge before this Court by placing reliance upon the issues as pleaded in para 9 at page 19 of the instant writ petition.

14. The petitioner submits that the respondent No. 2 was only suspended and was not terminated from the service. A transfer order was issued against respondent

no. 2 giving opportunity to improve his conduct but the respondent no. 2 refused to join the same. The respondent no. 2 was accordingly dismissed from service by a letter dated 1st November, 2022 with effect from 31.10.2022 for not joining the said Muzaffarpur Unit within 07.02.2014 as mentioned in the Transfer Order.

15. The respondent no. 2 submits that the Enquiry Proceeding was not held in compliance of due procedure of law. The respondent has been illegally terminated and is entitled to be reinstatement with the back wages along with consequential benefits. No opportunities were given to defend his case on the ground of refusal from employment. Thereafter, he was illegally terminated from service by the petitioner.

16. Let this matter be fixed for further hearing on 18.02.2026.

17. In the meantime, the Award dated 18.03.2025 is stayed upto 28.02.2026 or until further order whichever is earlier.

18. The petitioner shall file their affidavit in opposition, within three weeks after Christmas Vacation; reply if any shall be filed within two weeks thereafter and exchange their affidavits in the meantime.

In Re.: WPA 28006 of 2025

1. The matter has been heard *in-extenso*.
2. Let this matter be fixed for further hearing on
18.02.2026.
3. In the meantime, the Award dated 18.03.2025 is
stayed till 28.02.2026.
4. Both the parties are directed to exchange their
affidavits in the meantime.
5. The petitioner shall file their affidavit in opposition, if
any, within three weeks after Christmas Vacation; if
any, issue shall be filed within two weeks thereafter.

In Re.: WPA 28006 of 2025

1. The matter has been heard *in-extenso*.
2. Let this matter be fixed for further hearing on
18.02.2026.
3. In the meantime, the Award dated 18.03.2025 is
stayed till 28.02.2026.
4. Both the parties are directed to exchange their
affidavits in the meantime.
5. The petitioner shall file their affidavit in opposition, if
any, within three weeks after Christmas Vacation; if
any, issue shall be filed within two weeks thereafter.

(Smita Das De, J.)

