

24.12.2025

Item No. 08

Crt.No.10

b.r.

WPA 27880 of 2025

Jaya Shree Textiles

-vs-

Prabhu Nath Yadav & Anr.

Mr. Soumya Majumdar

Mr. Dwaipayan Sengupta

Ms. Sanjukta Datta

Mr. Suvodip Bhattacharya

.... For the petitioner.

Mr. Asim Dutta

.... For the Resp. no.1.

1. Affidavit of service filed in Court today, is taken on record.
2. Mr. Soumya Majumder, learned counsel appears for the petitioner.
3. Mr. Asim Dutta, learned counsel, appears for the respondent no.1.
4. The petitioner in the instant case challenged, inter alia, the order passed by the Industrial Tribunal, Kolkata on 19.09.2025 directing the petitioner to pay the full back wages till the date of his reinstatement with all other consequential benefits.
5. Appropo, the facts of the case is that the respondent no.1 was a security guard and has been charged of theft of a company properties. An enquiry was held on July 15, 2015. On the basis of enquiry conducted by the management, the

respondent no.1 was dismissed from his service on June 15, 2016. Respondent no.1 being the workman initiated a proceeding under Section 2A Sub-Section (2) of the Industrial Dispute Act, 1947 (hereinafter referred to as to as the said Act).

6. Learned counsel appearing for the respondent no.1 submits that the service has not been effected and had not received any instruction from his client.
7. Learned counsel appearing for the petitioner submits that the writ petition was served and has been received which is evident from the record annexed to the affidavit of service, which is on record.
8. The matter has been heard in extenso and the respondents are directed to obtain instruction with regard to the same.
9. Learned counsel for the petitioner prays for an interim order in terms of prayer 'd' to the writ petition since the petitioner has suffered a notice of execution dated 24.11.2025. Prayer 'd' is quoted below:-

“ d) An interim order restraining the respondents from giving any effect or further effect to the award dated 19th September, 2025 passed by the learned Third Industrial Tribunal, West Bengal in Case No. 91 of 2016 under Section 2A(2) of

the Industrial Disputes Act, 1947 and published on 9.10.2025 and stay the operation of the said award, till the disposal of this application.

10. The Award passed by the Learned Third Industrial Tribunal, West Bengal on 19th September, 2025 be stayed till 16th January, 2026, or until further order, whichever is earlier.

11. Let the matter appear in the Combined Monthly List of January, 2026.

12. A copy of the writ petitioner has been served upon the learned counsel appearing for the respondent no.1 in Court today.

(Smita Das De, J.)