

22.05.2026
Item No.1 to 5
Ct. No. 30
Aloke

WPA 22987 of 2025
with
IA No.: CAN 1 of 2025
M/s. Medicare Environmental Management Private Limited
Versus
The State of West Bengal & Anr.
With
WPA 26230 of 2025
with
IA No.: CAN 1 of 2025
CAN 2 of 2026
M/s. Medicare Environmental Management Private Limited
Versus
The State of West Bengal & Anr.
With
WPA 28006 of 2025
with
IA No.: CAN 1 of 2025
CAN 2 of 2026
M/s. Medicare Environmental Management Private Limited
Versus
The State of West Bengal & Anr.
with
WPA 28011 of 2025
with
IA No.: CAN 1 of 2025
CAN 2 of 2026
M/s. Medicare Environmental Management Private Limited
Versus
The State of West Bengal & Anr.
with
WPA 29815 of 2025
with
IA No.: CAN 1 of 2026
CAN 2 of 2026
M/s. Medicare Environmental Management Private Limited
Versus
The State of West Bengal & Anr.

Mr. Soumya Majumder, Id. Sr. Adv.

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Ms. Sanjukta Dutta

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...for the petitioner

Mr. Nayan Rakshit

Mr. Nilay Rakshit

....for the private respondents

1. WPA 29815 of 2025 along with CAN applications be tagged with WPA 22987 of 2025 & Ors.

In re : CAN 1 of 2025 in WPA 22987 of 2025

2. Learned counsel for the private respondent submits that he does not wish to proceed with the CAN application being no. 1 of 2025 under Section 17B of the Industrial Disputes Act.
3. Accordingly, considering the said fact, CAN 1 of 2025 is disposed of as 'not pressed'.

In re : CAN 3 of 2026 in WPA 26230 of 2025
CAN 3 of 2026 in WPA 28006 of 2025
CAN 3 of 2026 in WPA 28011 of 2025
CAN 2 of 2026 in WPA 29815 of 2025

4. The four CAN applications are moved praying for modification of this Court's order dated 11th May, 2026.
5. This Court vide its order dated 11th May, 2026 has directed that last drawn wages be paid by the petitioner on interim basis till July, 2026.
6. Today, by way of CAN applications in all the four writ applications, the petitioner has proposed that they are ready and willing to permit the petitioner to join at his place of posting at Gurgaon.
7. It is further submitted by the learned counsel for the petitioner that the issues before the learned Tribunal was as follows :

“6) The gist of points of difference framed in the form of issues runs as follows :-

1. *Whether this case u/s 2A of Industrial Disputes act is maintainable in its present form and in law?*
 2. *Whether a letter directing the application "Cessation of work" w.e.f. July 06, 2013 was issued by the management of the O.P. company?*
 3. *Whether the applicant was transferred from Howrah unit to another unit through transfer order issued by the management of the company?*
 4. *Is the applicant entitled to get any relief as prayed for?*
 5. *To what other relief or reliefs the applicant is entitled to get?*
8. It appears that the subsequent order of transfer dated 27.01.2014 was not an issue before the Labour Court and the Labour Court also did not adjudicate regarding the justification of transfer and, as such, it is submitted that the transfer order issued on 27.01.2014 being subsequent to the charge-sheet/show-cause cum suspension order dated 06.07.2013 was admittedly not the subject matter of adjudication before the Labour Court.
9. The issue before the Tribunal was in respect of the said charge-sheet/show cause cum suspension order dated 06.07.2013 which the respondent/workman has claimed is an order of "Cessation of work".

10. From the said written statement filed by the workman before the Labour Court/tribunal, it appears that there is no pleading nor any reference has been made regarding the transfer order dated 27.01.2014. **Nowhere** in his written statement, which the workman has filed on 18.12.2014, that is long after the order of transfer dated 27.01.2014, has he mentioned anything about the said transfer order.
11. The respondent/workman has categorically challenged only the charge-sheet/show cause cum suspension order/letter 06.07.2013, claiming that it is an order of "*Cessation of work*", when in fact it appears prima facie that the said letter is a charge-sheet/show-cause/suspension of work.
12. Prima facie it further appears that by way of the subsequent letter of transfer dated 27.01.2014, the petitioner company had given opportunity to the workman to join the company on transfer, in spite of the enquiry report in connection with the charge sheet/show cause cum suspension letter dated 06.07.2013 finding him guilty.
13. As such, prima facie it appears that the charge-sheet/show-cause/suspension letter dated 06.07.2013 is **prima facie no more in force, after the letter dated 27.01.2014 was issued.**
14. The respondent workman subsequently was given this letter dated 27.01.2014 asking him to join as per the order of transfer but the respondent workman without challenging the order of transfer, prima facie has

challenged the suspension letter dated 06.07.2013, which it appears was no more in existence on and from the 27.01.2014 and thus was also not in force when the dispute was raised before the Tribunal.

15. Today, the petitioner has again offered the respondent/workman to join his employment at the place of transfer and submits that as the respondent workman's transfer order is still in force and the enquiry report has not been acted upon, as the petitioner decided to give an opportunity to the workman, the petitioner may be directed to join at his place of posting.
16. As such the petitioner prays that they may be exempted from paying the last drawn wages under Section 17B of the Industrial Disputes Act on the said ground.
17. Considering the said facts and circumstances as discussed herein, and the order dated 11.05.2026, wherein the payment of wages is to be made only on **interim basis till July, 2026** and no orders as to arrears has been passed, considering the nature of the issues raised in the present writ applications, the prima facie findings in the impugned order/award, the writ applications along with the applications under Section 17B of the Industrial Disputes Act shall be heard together on the next date of hearing.
18. It appears that the prayer of the petitioner is justified but considering that the summer vacation intervenes and as this Court shall be in Circuit in the first half of June, 2026, the order dated 11.05.2026 is not interfered with

at this stage and the matter be listed for final hearing on **10th July, 2026.**

19. As the order dated 11.05.2026 is only on interim basis till July, 2026 and there is no direction for payment of any arrears, the prayer for modifying the same is not considered at this stage.
20. CAN 3 of 2026 (WPA 26230 of 2025), CAN 3 of 2026 (WPA 28006 of 2025), CAN 2 of 2026 (WPA 29815 of 2025) are disposed of accordingly.
21. Affidavits as directed by order dated 11.05.2026 be filed by the parties diligently.
22. Both parties shall file their short written notes of argument along with the judgments relied upon, if any, on the next date.
23. Matters be listed for final orders on **10th July, 2026.**
24. As this Court has gone into the merits of this case and has heard the matters substantially, the same be treated as 'Part-Heard'.

(Shampa Dutt (Paul), J.)