

06.01.2026
Ct. No. 30
S.L. No. 6
SM

WPA 29985 of 2025
Rajesh @ Rajesh Yadav @ Rajesh Yadab
Versus
The State of West Bengal & Ors.

Mr. R. Guha Thakurta
.....for the petitioner
Mr. Tanmoy Kr. Ghosh, Id. S.G.A.
Mr. Debasish Sarkar
.....for the State

1. Affidavit-of-service filed by the petitioner be taken on record.

2. The writ application has been preferred praying for direction upon the respondent no. 2 to rescind/recall/set aside the impugned order dated October 30, 2025 as passed in Case No. SA-01/23 and direct the respondent no. 2 to dispose of Case No. SA-01/23 within a specified period in accordance with law.

3. Vide the impugned order dated 30.10.2025, the Joint Labour Commissioner, Howrah has passed an order as follows:-

“And whereas regarding this instant case Hon'ble High Court of Kolkata in the WPA 642 of 2023 had made it clear in point No 6 that -

"Be that as it may, it is clear before this Court the petitioner participated in the enquiry conducted by the employer. The enquiry report was sent along with a copy of the dismissal order. It is difficult for this Court to believe that the petitioner did not receive the order

of dismissal either himself or through his ex-workmen".

And whereas, it is evident from the WPA 642 of 2023 that the Hon'ble High Court of Kolkata had passed the Honoured judgment regarding the claim of Rajesh @ Rajesh Yadav @ Rajesh Yadab under the West Bengal Payment of Subsistence Allowance Act, 1969 in totality.

Thus, the undersigned has no authority to issue any kind of direction after the Honored Judgment passed by the Hon'ble High Court of Kolkata regarding further entitlement of subsistence allowance filed by the applicant to this office on 20.04.2019 & 07.12.2022.

Further, it is to mention here that as the matter was disposed of by the Hon'ble High Court of Kolkata vide WPA 642 of 2023, the applicant may again proceed to the Hon'ble High Court for his relief, whatsoever, on this issue, if he deems fit."

*Sd/-
Joint Labour Commissioner (P)
Howrah*

4. Considering the nature of order passed by the said authority, it appears that the petitioners have admittedly received the amount as directed to be paid to the petitioner in paragraph 8 of the order dated 06.12.2023 passed in WPA 642 of 2023.

5. Let the matter be fixed on **21st January, 2026** for further hearing.

6. Parties to file their short notes.

[Shampa Dutt (Paul). J]