

30.03.2026
Item No.17
Ct. No. 30
Aloke

WPA 29985 of 2025

**Rajesh @ Rajesh Yadav @ Rajesh Yadav
Vs
The State of West Bengal & Ors.**

Mr. Rananeesh Guha Thakurta
... for the petitioner

Mr. Tanmoy Kr. Ghosh, Id. Sr. G.A.
Mr. Debasish Sarkar
... for the State

1. Supplementary affidavit filed by the petitioner be kept with the 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 Yadav 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. On hearing the learned counsels for the parties, it appears that vide the impugned order, the observations of the authority concerned, that the High Court in WPA 642 of 2023 had passed an order regarding the claim of the petitioner herein as to the payment of

subsistence allowance **in totality** is prima facie erroneous, considering the fact that the High Court had taken into consideration, the Certificate dated 11.03.2020, issued by the Deputy Secretary, Government of West Bengal for a sum of Rs.3,58,468.11/-. The Certificate which is at page 8 of the supplementary affidavit shows that the said amount as noted by the High Court is **for the period from 02.03.2015 to 30.09.2018**. It is this Certificate dated 11.03.2020, of which the High Court directed execution.

5. The petitioner's claim as it appears from the impugned order is that he made further applications in Form (A) on 20.04.2019 up to March 2019 of Rs.58,024.00 and on 07.12.2022 for the period up to December 2022 of Rs.5,52,600.00, to the office of the Deputy Labour Commissioner, Howrah for necessary enquiry.
6. The said period for which the allowances is claimed is a subsequent period and was not part of the Certificate which was implemented by the High Court and, as such, the findings of the Joint Labour Commissioner, is not in accordance with law and thus the order dated 30.10.2025 is hereby **set aside**.

7. The Joint Labour Commissioner (P), Howrah, is directed to consider the matter afresh and pass a reasoned order, in accordance with law as to the claim of the petitioner herein on merit and also as to his entitlement, within 60 days from the date of communication of this order.
8. Writ application stands disposed of.
9. Connected application, if any, stands disposed of.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)