

WPO/82/2025

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

M/s. SAJ FOOD PRODUCTS PVT. LTD.

-VERSUS-

STATE OF WEST BENGAL AND ANR.

BEFORE:

The Hon'ble JUSTICE SHAMPA DUTT (PAUL)

Date : 19th June, 2025.

Appearance:

Mr. Soumya Majumdar, Sr. Adv.

Ms. Sanjukta Dutta, Adv.

Mr. Kinnor Ghosh, Adv.

.... for the petitioner.

Mr. Asish Kumar Guha, Adv.

Mr. Rajendra Chaturvedi, Adv.

...for the State.

Mr. Aditya Mondal, Adv.

Mr. Wasim Akthir, Adv.

...for the respondent no.2.

The Court: Affidavits as directed have been filed.

The writ application has been preferred challenging the award dated 28th June, 2024 passed by the 1st Labour Court, West Bengal in Case No.02/2002 under Section 10(1B)(d) of the Industrial Disputes Act, 1947 and published by the Government of West Bengal on 27th August, 2024.

It is the case of the learned senior counsel appearing for the petitioner/company that vide the order under the challenge, the 1st Labour Court, Kolkata in spite of the finding that the respondent no.2 was terminated during

probation period prior to his confirmation held the same to illegal, mala fide and unjustified and on such findings directed back-wages from his date of termination till his employment in a different institute from where he superannuated.

Being aggrieved the petitioner on preferring the writ application has submitted that the respondent no.2 was terminated during his probation period as per the letter of appointment issued by the company. The said termination of probation period was as per the letter of appointment and in accordance with law vide letter dated 18th April, 2001.

It appears from the appointment letter that the respondent no.2 was appointed as a chemist on probation and during the period of probation his service was not extended and he was not confirmed in his service. The Labour Court was of the opinion that the contents of the said letter not extending the probation period is a stigma to the character and reputation of the respondent no.2 and, as such, there has been prejudice.

In spite of the findings of the Labour Court, the admitted case is that the respondent no.2 was terminated during his probation period and thereby his probation was not extended and was, thus, not confirmed. As such, the issue which arises and has to be decided is whether the said employee is entitled to the relief as granted by the Labour Court vide its award under challenge.

Considering the said facts, the writ application be fixed for further hearing on 24th July, 2025. Parties will be at liberty to file their written notes along with judgments, if any, to be relied upon.

Pending hearing the award dated 28th June, 2024 passed by the 1st Labour Court, West Bengal be stayed till 28th August, 2025, or until further orders, whichever is earlier.

(SHAMPA DUTT (PAUL), J.)

A/s.