

20.05.2022
rc/ct.no.10
Item No.39

WPA No. 1169 of 2022
Sk. Md. Ali Akbar
Versus
The State of West Bengal & Ors.

Mr. Rananeesh Guha Thakurta
Mrs. Senjuti Sengupta
Mr. Dipa Roy ...for the petitioner

Mr. L.M.Mahato
Mr. Ayan Banerjee ..for the State

The petitioner has prayed for a direction upon the Deputy Labour Commissioner, Labour Department, Government of West Bengal, being the 3rd respondent herein, for transmission of the order passed by the Deputy Secretary to the Government of West Bengal on March 15, 2021 vide number Labr/672/(LC-IR)/11L-78/10.

Learned counsel appearing on behalf of the State-respondents has placed reliance on the report submitted by the respondents and has submitted that the petitioner has not made the accused persons appearing in serial nos. 2, 3, 4, 5 and 6 parties in Form Q-3 submitted by him for which the order could not be transmitted.

A letter submitted by the petitioner before the Deputy Secretary, Labour Department, Government of West Bengal on April 21, 2021 (Annexure P-13 to the writ petition) demonstrates that these accused persons were impleaded by the Court of the Metropolitan Magistrate, 6th Court, Calcutta in Case No. C-414216/2014 pending

before the Court and a copy of the said order was annexed to the letter.

In view of the above, the writ petition is allowed in terms of prayer (A).

The 3rd respondent is directed to forward the order dated March 15, 2021 to the Court of the learned Metropolitan Magistrate, 6th Court, Kolkata within two weeks from the date of communication of this order.

It is pertinent to add that in view of the clarification given by the petitioner before the Deputy Secretary, Labour Department, Government of West Bengal vide letter dated April 21, 2021, the letter issued by the Deputy Secretary to the Government of West Bengal on September 20, 2021 vide number Labr/1715/(LC-IR)/22015(16)/342/2019 is set aside/ quashed.

With the above observations and directions this writ petition being WPA No. 1169 of 2022 is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)