

2nd March, 2023
(D/L No.12)
(SKB)

W.P.A. 1273 of 2023

Sudip Kumar Chakraborty
Versus
The State of West Bengal and others

Mr. Subhajit Panja
... for the petitioner.

Mr. Pradip Kumar Roy,
Mr. Prabir Kumar Ray,
Mr. Joydeep Roy
... for the State.

Mr. Victor Chatterjee
... for the respondent no.5.

The petitioner prays for direction on the respondent no.5 being the Kangshabati Cooperative Spinning Mills Limited, to consider the direction passed by a co-ordinate Bench on 25th January, 2019 with reference to the impugned order passed by the said respondent on 15th March, 2021.

The petitioner essentially claims arrear salaries from 16th September, 2015 to 27th January, 2019 on the basis that the petitioner worked during the said period with the respondent no.5.

Learned counsel appearing for respondent no.5 submits that the records as well as the genuineness of a letter written by the respondent no.5 on 24th May, 2016 show that the petitioner is not entitled to any arrear salaries for the said period.

After hearing learned counsel appearing for the parties and perusing the impugned letter dated 15th March, 2021, it appears that the respondent no.5 came to the conclusion that the petitioner is not entitled to the arrear salaries from 16th September, 2015 to 27th January, 2019 due to his absence. There is, however, no reason given in support of his conclusion. The fact of the hand writing expert or other evidence is only by way of oral submissions and do not find any reflection in the impugned order.

W.P.A.1273 of 2023 is accordingly disposed of by quashing the letter of 15th March, 2021 directing the respondent no.5 to consider the matter afresh and come to a reasoned finding/order upon hearing the petitioner. The reasoned order shall be passed within four weeks from date and the copy of the reasoned order shall be made available to the petitioner within five weeks from today.

(Moushumi Bhattacharya, J.)