

30-03-2023

ct no. 13

sl. 4

pk

WPA 1627 of 2023

Calcutta South Club Limited represented by its
Honorary Secretary Mr. Joy Banerjee

-Versus-

The State of West Bengal & Ors.

Mr. Saptangsu Basu,
Mr. Subhashish Sengupta,
Mr. Akash Dutta

...for the petitioner

Mr. Santanu Kumar Mitra,
Ms. Anandamayi Ghosh

...for the State

Despite service of notice, the private respondents are not represented.

The petitioner is a world renowned sports Club in Calcutta and is a Company limited by guarantees. It is also a social Club. It is aggrieved by the alleged inaction of the Bhowanipore Police Station.

The grievance of the petitioner is that the employees' union of the Club and its members, being respondent nos. 7 to 11, are preventing members and office bearers of the Club from having free ingress and egress into the Club premises. It is also stated that the petitioner, its members and willing employees are being threatened and intimidated against participating in the Club activities.

The private respondents have also pasted posters all over the main gate and around the Club premises and the same is causing a nuisance and showing the Club in poor light to its members and the public at large.

Mr. Basu, learned advocate for the petitioner submits that the dispute started when one Aruran Dey, an employee of the Club was terminated for defalcation of funds. The employer, after compliance with all rules passed the order of termination. Such order has not been challenged before any Court, Authority or Tribunal. The petitioner does not have any notice of such challenge.

The private respondents and their employees' union have put up a stage at the main entrance of the club and are holding protest and dharna against such termination and preventing free ingress and egress of the members.

It is now well settled that an employee who is aggrieved by an order of termination can seek either general civil remedies or those available under the labour statutes of the country. The authorities under the said statutes and the Civil Courts have ample power to effectively address such grievances. The Club has sufficient assets to meet any such order or

judgement or decision of a Competent Court or Tribunal.

The private respondents are therefore not justified in bringing the Club to a standstill and preventing members from accessing and availing facilities.

Bhowanipore Police Station has filed a report which indicates that on a complaint of one Ajay Singh, the Secretary of the Calcutta South Club Employees' Union, FIR has been registered under Sections 120B/420/406/204/477A of the IPC. The Police may take steps in accordance with law in respect of the said FIR. The accused in the FIR also have remedies in law.

In the above circumstances, the private respondents shall not hold any demonstration, dharna or protest at any of the entry or exit points of the Club premises. They may however do so at a distance of 100 meters away from all the entry and exit point of the Club.

The Club shall be entitled to remove all the posters and placards on the Club premises by the employees, except at the new place of protest as indicated herein above.

In the event of any obstruction, interference, threat or intimidation by the private respondents, Bhowanipore Police Station shall forthwith intervene.

In the event, the Club makes an application to the police for posting of any police picket, the same may be allowed by the Bhowanipore Police Station at the costs of the petitioner/Club. Deployment of any police picket shall be conditional upon payment of such costs. The quantum of costs shall be indicated by the police to the petitioner.

The report of the Bhowanipore Police Station is taken on record.

The writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)