

12.12.2023
Court No.13
Item No. 3(SL)
pk

WPA 11617 of 2023

**Jayanta Kumar Ray Chaudhuri
Vs.
State of West Bengal and others**

Mr. Sanjib Das,
Mr. S. Saha

... for the petitioner.

1. Despite service of notice, Company and the State are not represented.
2. The writ petitioner challenges an order dated 15.03.2023 in Case No. 26 of 2021 passed by the First Labour Court under Section 33C(2) of the Industrial Disputes Act, 1947.
3. By the impugned judgement, the application of the petitioner for computation of the dues payable by the employer was dismissed on the ground that the petitioner himself has disputed the order of termination.
4. This Court finds no infirmity in the impugned order. If an order of termination itself is challenged as wrongful, the petitioner should have approached the A. L. C. for conciliation proceeding and if such conciliation fails, the appropriate government could have referred to the same for reference under Section 10. The petitioner may take appropriate steps in accordance with law.
5. It is also submitted by the petitioner that the employer is a failing concern.

6. The aforesaid order shall not prevent the respondent/company from disbursing any admitted dues of the petitioner.

7. With the aforesaid observations, the writ petition is disposed of.

8. There will be no order as to costs.

9. 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.)