

02-01-2024
ct no. 13
sl. 268
pk

WPA 23983 of 2023

Ms. Subhadra Nandi

-Versus-

The Deputy Labour Commissioner (P), Cum Referee
under the West Bengal Shops and Establishment
Act, 1963 and others

Mr. Purnasish Gupta,
Ms. Kakali Chanda,
Ms. Sruti Dey

... for the petitioner

Mr. Jayanta Samanta.
Mr. Dip Jyoti Chakraborty

... for the State.

1. Affidavit of service filed in Court is taken on record.
2. The writ petitioner is aggrieved that her application for recovery of wages now pending before the learned Judicial Magistrate, Bidhannagar being Case No. C-1769 of 2022 under the provisions of sub-section 5 of Section 14 of the West Bengal Shops and Establishment Act, 1963 has not been disposed of till date.
3. The petitioner has applied for execution of an order passed by the Civil Judge (Junior Division), Bidhannagar in Appeal Case No. 1 of 2019 (Susmit Kumar Nandi Vs. Manager H.R., Aegis Ltd., an ESSAR Enterprise, Parent Organisation and others).

4. The learned counsel for the State submits that the writ petition is not maintainable.

5. In the above circumstances, this Court directs the Judicial Magistrate, Bidhannagar to dispose of the said case No. C-1769 of 2022 within a period of three months from date positively.

6. The learned Judicial Magistrate shall be entitled to exercise all powers and take coercive measures to ensure that payment is made in terms of the orders passed by the Authorities under the aforesaid Act of 1963.

7. 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.)