

Court No. 2
10.4.2024
(Item No. 28)
(AB)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 814 of 2024

Paschim Banga Cha Majoor Samity & Ors.
VS
The State of West Bengal & Ors.

Dr. S. Murlidhar
Mr. P. chakraborty
Mr. D. Kar
Mr. M. A. Kartick
Mr. M. Subramaniam
Mr. P. Bhagat
Mr. H. S. Poddar
..... for the petitioners
Mr. Joyjit Chowdhury
Mr. Hirak Barman
Mr. Kumar Shantanu
.... For the State
Mr. Sudipto Kumar Mazumdar
Mr. Ajoy Kumar Singhanian
.... For respondent No. 3
Mr. Bikramaditya Ghosh
.... For respondent No. 4

Affidavit of service filed in Court today is taken
on record.

Mr. S. Murlidhar, learned senior counsel
appears through virtual mode represents the
petitioners.

Mr. Jayjit Chowdhury, learned Advocate
General appears for respondent Nos. 1 & 2.

Mr. Sudipto Kumar Mazumder, learned Deputy
Solicitor General appears for respondent No. 3.

The grievance of the petitioners is that, the
petitioners claim minimum wages but the authority
till date failed to fix the same in accordance with law.

Referring to a judgment of a co-ordinate bench dated **August 1, 2023** passed **In the matter of: Goodricke Group Limited and Others Vs. State of West Bengal & Others** rendered in **W.P.A. 11701 of 2023, Annexure P-6** at **page 41** to the writ petition, learned Senior counsel for the petitioners submits that, the necessary direction has already been issued by the co-ordinate bench to the following effect:

“At the same time by taking note of the long pendency of the decision for determination of minimum wages in respect of the workers employed in the tea plantations in the State of West Bengal, I am of the view that the State Government should take immediate steps for finalization of the minimum wages and the entire process should be completed preferably within a period of six months from the date of communication of this order.”

The learned senior counsel for the petitioner then drew attention of this Court to the two representations made by the petitioners dated **June 30, 2023, Annexure P-7** at **page 56** to the writ petition and **January 2, 2023 (as wrongly typed out) which should be January 2, 2024** at **page 59** to the writ petition received by the appropriate authority under the Minimum Wages Act.

It is submitted on behalf of the appearing parties before this Court that the said judgment of the co-ordinate bench **In the matter of: Goodricke**

Group Limited and Others (Supra) still holds the field and no appeal has been carried out there from.

The learned senior counsel for the petitioners submits that, despite direction being made by the co-ordinate bench as quoted above the State Government through its appropriate authority has not yet been taken any step for finalization of the minimum wages within the time frame directed therein. Learned senior counsel for the petitioners further submits that, since the said judgment was delivered by the co-ordinate bench on the challenge made by the different petitioners, these petitioners cannot file contempt there from, as these petitioners were not parties to the said previous writ petition in which the said judgment was delivered. Hence, this writ petition. He further submits that, in any event, the two representations as referred to above are also lying pending before the appropriate authority.

At the outset Mr. Bikramaditya Ghosh, learned counsel appearing for respondent No. 4 raises a preliminary objection of maintainability of this writ petition. He submits that, the cause espoused through this writ petition in the nature of Public Interest Litigation and therefore, the instant writ petition filed by an un-recognized Trade Union is not maintainable.

This Court, from the record, finds that, the cause espoused through this writ petition is the cause of the workers working at the Tea Industry for fixing their minimum wages. To receive minimum wages is a statutory and legal right under the Minimum Wages Act. Even an individual if thinks fit that he is deprived of such legal right can maintain a writ petition. The third writ petitioner herein is an individual tea worker. The Trade Union through whom this writ petition has been filed along with its office bearers is a registered Trade Union. The Trade Union is a collective statutory entity comprising of individual tea workers espousing the cause of the tea workers through this writ petition.

Hence, this court is of the considered opinion that, the objection raised on behalf of respondent No. 4 is not only devoid of any merit but also totally frivolous. Hence, the objection raised as to the maintainability of the writ petition stands rejected and overruled.

Considering the submissions made on behalf of the parties and upon perusal of the materials on record, to sub-serve justice, this Court directs that, the respondent No. 2 shall decide the said two representations of the petitioners dated **June 30, 2023** at **page 56** and **January 3, 2024 (as**

mistakenly typed out January 2, 2023) at **page 59** to the writ petition upon giving prior hearing notice of at least seven days to the petitioner and all other relevant parties or authorities he shall deem fit and proper and then after giving them an opportunity of hearing shall decide the issue in the light of the observation made by the co-ordinate bench **In the matter of: Goodricke Group Limited & Ors. (Supra)** as quoted above, by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and completed by the respondent No. 2 positively within a period of **six weeks** from the date of communication of this order. The respondent No. 2 then shall communicate its reasoned order to the petitioners and all other relevant parties and/or authorities positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner or any other authorities appearing today before this Court.

The petitioners and all concerned shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent No. 2.

However, it is once again made clear that, while deciding the issue, the respondent No. 2 must and should take into consideration the observation of the co-ordinate bench made in the **In the matter of: Goodricke Group Limited and Others (Supra)**.

The respondent Nos. 1 and/or 2 and/or any other further authority then shall give effect to the reasoned order to be passed by the respondent No. 2 positively within a period of **two weeks** from the date of the said reasoned order to be passed.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition, **WPA 814 of 2024** stands disposed of, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)