

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

52 23.4.2024

MAT 29 of 2021

Ct-01

**Santilata @ Santhila Oraon
Vs.
State of West Bengal & Ors.**

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Ms. Supriya Singh
... For the Appellant

Mr. Kamal Krishna Banerjee
Mr. Satyaki Basu
... For the Respondent no. 7/Tea Garden

1. In view of the reference of the dispute to the Labour Court and having regard to the fact that the writ petition against the private respondent would not be maintainable in law, we are not inclined to interfere with the order passed by the learned Single Judge. Learned Single Judge passed the order on the basis of the report of the Conciliation Officer that as the Management did not comply with Section 25F of the Industrial dispute Act, 1947 it would be appropriate to refer the matter to the Industrial Tribunal/Labour Court for adjudication. The State of West Bengal has already referred the matter to the Labour Court for adjudication and the case has already been registered.
2. We make it clear that any observation made by the learned Single Judge in the impugned order shall not influence the learned Trial Court in

arriving at an independent decision.

3. Learned counsel for the Tea Garden has submitted that the writ petitioner has been offered to work in the tea garden on temporary basis and showing their willingness to allow her reservation in the duty. In view of the fact that it would be proper to place the said document before the Labour Court for consideration of the said document.
4. In view of the above, the appeal is thus disposed of.
5. There would be no order as to costs.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)

