

01.07.2025
Ct. No. 30
S.L. No. 6
SM

WPA 14034 of 2025
M/S. Budge Budge Company Limited
Vs.
The State of West Bengal & Ors.

Mr. Balai Chandra Paul
Mr. S.M. Obaidullah
Mr. Roni Chowdhury
Ms. Tithi Roy

.....for the petitioner

Mr. Rananeesh Guhathakurta
Ms. Dona Ghosh

.....for the respondent no. 3

Mr. Rajat Dutta
Mr. Parikhat Goswami

.....for the State

Affidavit-of-service filed be kept with the
record.

The writ application has been preferred
challenging an order dated 08.05.2025 passed by the
Controlling Authority, wherein the Controlling
Authority permitted a substituted applicant to file a
Vakalatnama.

It appears from the materials on record that an
order dated 27.03.2025 (not under challenge) passed
by the Controlling Authority is the order vide which
the Controlling Authority permitted a legal heir of the
deceased workmen to be substituted in place of the
deceased employee, who was nominated by the other
legal heirs who gave their no objection to the applicant

to represent their case in place of the deceased employee as the substituted applicant.

Learned counsel for the petitioner/company submits that the application for substitution before the Controlling Authority is not in accordance with law, as the applicant has been shown as the deceased employee and not the present applicant and as such the Controlling Authority should not have allowed such a prayer.

It appears from the record that, order dated 27.03.2025 by which the application for substitution was allowed has not been challenged and as such the order is in force till date.

On the basis of the order allowing the substitution application, the Controlling Authority vide order dated 08.05.2025 (under challenge) directed the substituted applicant to file a Vakalatnama. This Court finds no irregularity in such direction vide the order under challenge and as such the said orders requires no interference by this Court.

Regarding the application being not in accordance with law, this Court in the interest of justice is of the view that the proceedings being a quasi judicial proceedings the technicalities have been overlooked by the Controlling Authority. The said application for substitution though has been signed by the substituted applicant, who has been

substituted in place of the deceased workmen and has been authorized to represent all the other legal heirs as per the affidavits filed before the authority concerned, the issue raised by the petitioner being technical in nature, this Court in the interest of justice is not inclined to interfere with the said order, as the petitioner has not suffered any prejudice.

The writ application is thus dismissed.

The Controlling Authority is directed to proceed in the proceedings before it expeditiously.

Applications, if any, connected thereto stand disposed of consequently.

Interim order, if any, stands vacated.

Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]