

12.06.2025.  
Item Nos. 5 & 6.  
Court No. 13  
ap

**M.A.T. No. 1657 of 2016**  
**With**  
**I.A. No. CAN 1 of 2016 (Old CAN 9197 of 2016)**  
**And**  
**I.A. No. CAN 2 of 2025**  
**And**  
**I.A. No. CAN 3 of 2025**  
**M/s. Kind & Co. (Homeo Chemist) Pvt. Ltd.**  
**Versus**  
**State of West Bengal & Ors.**  
**With**  
**M.A.T. No. 1658 of 2016**  
**AND**  
**I.A. No. CAN 1 of 2016 (Old CAN 9199 of 2016)**  
**And**  
**I.A. No. CAN 2 of 2025**  
**And**  
**I.A. No. CAN 3 of 2025**  
**M/s. Kind & Co. (Homeo Chemist) Pvt. Ltd.**  
**Versus**  
**State of West Bengal & Ors.**

Mr. Rananeesh Guha Thakurta,  
Ms. S. Sengupta.

...For the appellant.

Mr. Biswabrata Basu Mallick, Id. AGP,  
Mr. Sayan Ganguly.

...For the State in MAT 1657/2016.

Sk. Md. Galib, Sr. Govt. Advocate,  
Ms. Priyamvada Singh.

...For the State in MAT 1658/2016.

1. Despite service of notice, the private respondent/workman is not represented. Affidavit-of-service filed in Court today be taken on record.

**Re: CAN 1 of 2016 in MAT 1657 of 2016**

**(Condonation of delay)**

2. This is an application filed under Section 5 of the Limitation Act, 1963 for condonation of delay of about 12 days in filing the instant appeal.

3. Having heard the learned Advocate appearing on behalf of the appellants as also considering the statements made in the said application, this Court is satisfied with the grounds indicated therein, as sufficiently explaining delay of 12 days in preferring the appeal.

4. In view of the above, the application for condonation of delay is allowed and disposed of.

5. There will be no order as to costs.

**Re: CAN 1 of 2016 in MAT 1658 of 2016**  
**(Condonation of delay)**

6. This is an application filed under Section 5 of the Limitation Act, 1963 for condonation of delay of about 136 days in filing the instant appeal.

7. Having heard the learned Advocate appearing on behalf of the appellants as also considering the statements made in the said application, this Court is satisfied with the grounds indicated therein, as sufficiently explaining delay of 136 days in preferring the appeal.

8. In view of the above, the application for condonation of delay is allowed and disposed of.

9. There will be no order as to costs.

**Re: CAN 2 of 2025 in MAT 1657 of 2016**  
**(Restoration)**

10. Sufficient grounds are available to explain the absence of the appellant and/or its Counsel on 28<sup>th</sup> March, 2025 before this Court.

11. The said order is recalled and the appeal is restored to its original file and number.

12. Accordingly, CAN 2 of 2025 is disposed of.

13. There will be no order as to costs.

**Re: CAN 2 of 2025 in MAT 1658 of 2016**

14. Sufficient grounds are available to explain the absence of the appellant and its Counsels on the 28<sup>th</sup> March, 2025 before this Court.

1. The said order is recalled and the appeal is restored to its original file and number.

15. Accordingly, CAN 2 of 2025 is disposed of.

16. There will be no order as to costs.

**Re: CAN 3 of 2025 in MAT 1657 of 2016 & CAN 3 of 2025 in MAT 1658 of 2016**

17. The appellant is the successor-in-interest of the original appellant.

18. Having considered the pleadings made in CAN 3 of 2025, this Court is allowed the appellant to pursue the instant appeal as if it was filed by the present appellant itself.

19. In view of the aforesaid, the applications being CAN 3 of 2025 in M.A.T. No. 1657 of 2016 and CAN 3 of 2025 in M.A.T. No. 1658 of 2016 are allowed and disposed of.

20. There will be no order as to costs.

**Re: MAT 1657 of 2016 & MAT 1658 of 2016**

21. The two appeals being MAT 1657 of 2016 and MAT 1658 of 2016 are directed against the order

passed by a Single Bench of this Court dated 18<sup>th</sup> March, 2016 and 20<sup>th</sup> June, 2016.

22. By the said two orders, the Single Bench dismissed in limine the writ petitions filed by the employer challenging an award being Case No. 47 of 2010 under Section 10(18)(d) passed by the 2<sup>nd</sup> Labour Court at Calcutta dated 31<sup>st</sup> December, 2014.

23. It is submitted by Mr. Ranajeesh Guha Thakurata that an application for computation being Computation Case No. 2 of 2019 of dues to the workman under Section 33(c)(2) of the Industrial Disputes Act, 1947 in terms of the award dated 31<sup>st</sup> December, 2014 passed by the 2<sup>nd</sup> Labour Court at Calcutta was dismissed. The ground for dismissal is that the writ petitioner immediately after the order of dismissal from service with the predecessor-in-interest of the appellant and/or on the next day joined the Kolkata Municipal Corporation as a field worker contractual.

24. Apart from the above, the workman has not pressed for reinstatement in service with the appellant. This Court is of the view that the respondent workman may have abandoned the claim reinstatement with the appellant since after his engagement with the Kolkata Municipal Corporation. The impugned award passed by the 2<sup>nd</sup> Labour Court,

Calcutta on 31<sup>st</sup> December, 2014 is, therefore, declared infructuous.

25. With the observations aforesaid, the two intra court appeals are disposed of.

26. There will be no order as to costs.

27. 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.)***

***(Ajay Kumar Gupta, J.)***