

Sl.50
22.09.2025
Court No.6
BP

C.O. 3462 of 2025

Bankim Chandra Bharati, Trustee, Welfare
For Indian Seamen Everywhere (WISE) & Anr.
-versus-
Board of Trustees of Welfare for Indian Seamen
Everywhere (WISE) & Ors.

Mr. Arindam Banerjee, Sr. Adv.
Ms. Arpita Saha
Mr. Ashis Kumar Mukherjee
Mr. S. Prosad
..for the petitioner

Mr. Partha Pratim Roy
Mr. Mainak Chandra
..for the opposite party no.4

Mr. Debapriya Chatterjee
..for the intervenor

This application under Article 227 of the Constitution of India is at the instance of the Bankim Chandra Bharati Trustee, Welfare for Indian Seamen Everywhere and Forward Seamen's Union of India, a Trade Union and is directed against an order being no.15 dated 4th September, 2025 passed by the learned District Judge-in-Charge, South 24 Parganas at Alipore in Miscellaneous Appeal No. 386 of 2024.

By the order impugned the order of status quo passed on 8th October, 2024 was modified to the effect that there shall be payment of remuneration of the legitimate employees by the concerned authorities without fail positively along with arrears if necessary.

Mr. Banerjee, learned senior advocate appearing for the petitioners submits that the order of status quo

was passed on October 8, 2024 and the same was continuing without any modification till 4th September, 2025 and it was only by the order impugned that the payment of remuneration to the legitimate employees was allowed. He submits that there is a dispute as to who are the legitimate employees of the trust.

Mr. Chatterjee, learned advocate appears for the alleged employees who filed an application under Section 151 of the Code of Civil Procedure before the learned judge of the appellate court.

Mr. Roy, learned advocate appears for the opposite party no.4.

Heard the learned advocates for the respective parties and perused the materials placed.

Record reveals that the learned District Judge -in-Charge), South 24 Parganas at Alipore passed an order on October 8, 2024 directing both the parties to maintain status quo in respect of the suit properties including both movable and immovable properties for a limited period. It is not in dispute that the said order of status quo was being extended from time to time without any modification.

By the order impugned the order of status quo dated October 8, 2024 was modified to the effect that there shall be payment of remuneration to the legitimate employees by the concerned authorities without fail positively along with arrears. It was further recorded in

the said order that if any dispute would crop up regarding validity of any employee, the same would be addressed in due course of time.

The question that arises is who are the legitimate employees and entitled to remuneration. Such a dispute cannot be decided in the civil revisional application.

It appears from the impugned order that 23rd September, 2025 is fixed for appearance of the parties before the learned Transferee Court.

The learned Transferee Court is directed to take up the issue whether the status quo order passed on 8th October, 2024 should continue or the order as modified by the impugned order should be allowed to continue until further orders on 23.09.2025 and decide accordingly.

Considering the fact that tomorrow (23.09.2025) is the date fixed before the learned judge of the first appellate court, this Court has not entered into the merits of the claims and counter claims of the respective parties and the same is left open to be decided by the learned judge of the appellate court.

There shall be no further withdrawal from the bank accounts till the matter is heard tomorrow by the learned Judge of the Transferee Court. The learned Judge of the appellate Court, after hearing the parties shall pass an order in accordance with law.

It is, however, made clear that if tomorrow the petitioners pray for an adjournment before the learned judge of the Transferee Court the interim order passed by this Court which shall stand vacated.

With the above observations, C.O. 3462 of 2025 stands disposed of.

No order as to costs.

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

(Hiranmay Bhattacharyya, J.)