

17-11-2025
ct no. 10
Sl.14
RP

WPA 24489 of 2025
State Bank of India and Anr.
-Versus-
Union of India and Ors.

Mr. Debasish Saha,
Ms. Sucheta Pal,
Mr. Avirup Roy Sanyal

...for the petitioner.

Mr. Raj Kr. Gaurisara,
Mr. Atma Prakash Singh

...for the respondent no.1 to 3

1. Affidavit-of-service kept on record.
2. Mr. Debasish Saha, learned Counsel appears for the petitioner and none appears on behalf of the other respondents.
3. The petitioner submits that the labour union being the respondent no. 4 submitted a dispute in the matter of termination of one Sankar Gayen who was working under the respondent no. 6 was terminated accordingly by the respondent no. 6 herein. A conciliation proceeding was initiated by the Regional Labour Commissioner, (Central) wherein the petitioner being the principal employer was directed to appear in the conciliation proceedings in compliance of the notices dated 30.07.2021 issued by Regional Labour Commissioner, (Central).
4. The petitioner submits that the Regional Labour Commissioner, (Central) directed the

petitioner by an order dated 31.07.2025 which is reproduced as below:

“To conduct any enquiry on the instant dispute matter so as to identify and ascertain the course of termination of Shri Sankar Gayen by the Contractor opposite party 1. All necessary documents of the employment of the worker by the said Contractor shall also be acquired from the contractor for purpose of enquiry. SBI should thoroughly investigate the matter of the termination and try to identify where any injustice has been done to the individual worker by not following the due process of law.”

5. Thereafter, the petitioner files a written objection before the Regional Labour Commissioner, (Central) Kolkata praying inter alia, for reconsidering and expunging the name from such Conciliation proceedings as directed for conducting an enquiry to investigate the matter of termination of the respondent no. 5 by the respondent no. 6. The respondent nos. 1 to 3 submits that as per Section 12 of Subsection 2 of Industrial Disputes Act, 1947 (herein after referred to in the said Act) that there is no impediment and/or statutory bar on the ground of appointing the petitioner by the Conciliation Officer to conduct an enquiry. Since, the statute contemplates in Subsection 2 of Section 12 that “for the purpose of bringing about settlement of the dispute, without delay, investigate the dispute and all matters affecting the merits and right settlement thereof and may do all such things as it deems fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.”

6. The petitioner vehemently opposes such submission of the respondents and submits that section 12(2) of the said Act pertains to settlement of a dispute wherein the petitioner being the principal employer has no role to play since they are not party to the settlement of dispute.
7. After hearing the rival contention of the parties, I am of the considered view that since an application has been made by the petitioner dated 10th September, 2025 raising an objection to the order dated 31.07.2025 passed by the Regional Labour Commissioner, (Central), Kolkata remains to be pending for consideration, I direct the Regional Labour Commissioner, (Central) Kolkata to consider the application of the petitioner dated 10.09.2025 within a period of 6 weeks from the date of communication of this order and pass a reasoned order in accordance with law upon opportunity of hearing to all the concerned parties and communicate such decision within a week thereafter.
8. The writ petition is disposed of without taking any exception to the merits of the case.

(Smita Das De, J.)