

03.03.2025
Item No.14
Ct. No. 30
Aloke

W.P.A. 27399 of 2024

**Armenian College and Philanthropic Academy
and Davidian Girls' School Non-Teaching Staff
Union**

Vs

The State of West Bengal & Ors.

Mr. Rananeeesh Guha Thakurta
Ms. Senjuti Sengupta
Mr. Pulin Ch. Maity
... for the petitioner

Mr. Lalit Mohan Mahata
Mr. Ziaul Haque
... for the State

Mr. Soumya Majumder
Mr. Saumalya Karmaker
... for the respondent no. 3

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

The present writ application has been
preferred against an order dated 16.07.2024 passed
in case no. VIII-04/16 by the Judge, 2nd Industrial
Tribunal, Kolkata.

It appears from the materials on record that
during recording of evidence the said Tribunal
decided to hear the case on the point of
maintainability and vide the order under challenge
dismissed the case on the ground that the opposite
party/Armenian College and Philanthropic Academy
is **not an industry within the definition as per the
amendment of 1984.**

The learned counsel for the petitioner has relied upon a judgment of the Hon'ble Supreme Court in **State of U.P. vs. Jaibir Singh (2005-II-LLJ) para 44, 45, 52 and 53** and stated that the said **amendment of 1984 has till date not been given effect**. But the said Tribunal erroneously applying the definition in the said amendment has dismissed the claim of the petitioner.

On hearing the learned counsel for the parties and considering the materials on record, the order under challenge being 16.07.2024 passed in case no. VIII-04/16 by the Judge, 2nd Industrial Tribunal, Kolkata, being not in accordance with law, is hereby set aside.

The case VIII-04/16 is restored to its own file and number before the 2nd Industrial Tribunal, Kolkata, for further hearing. The stage of hearing shall proceed on and from 14.06.2024 (Stage of Evidence).

Learned senior counsel appearing for the College submits that the point of maintainability may be kept open on any other ground, other than the amendment on which the tribunal relied upon.

Leave as prayed for is granted.

W.P.A. 27399 of 2024 is accordingly disposed of.

There will be no order as to costs.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)