

19.3.2026
Item no. 24
Court no. 30
g.b.
266012

WPA 555 of 2026

**Izzok Electricals Private Limited
Vs.
State of West Bengal & Ors.**

Mr. Debasish Ghosh
Mr. Lalit Baid
Ms. Sudeshna Ghosh
Ms. Sanjana Shaw
Mr. Kuldip Das
..... For the Petitioner

Mr. Balaram Patra
Mr. Suvadip Bhattacharjee
Mr. Anuj Kumar Mishra
....For the Respondent No. 3
Mr. Santanu Kr. Mitra
Mr. Subhabrata Das
....For the State

1. The writ application has been preferred praying for setting aside of the proceeding pending before the Learned Referee, Labour Commissionerate, Kolkata in case no. P-89/24 and order dated 19.09.2025.
2. By way of this writ application, the petitioner has challenged the jurisdiction of the Learned Referee under the West Bengal Shops and Establishments Act, 1936.
3. On hearing the parties, considering the written notes of arguments filed by the parties and the materials on record, more so the impugned order, it appears that the proceedings before the Learned Referee has proceeded to the final stage. Evidence

has been adduced by the parties and it was at that stage of evidence by the opposite party/petitioner herein when the petitioner challenged the jurisdiction of the authority concerned.

4. The petitioner/opposite party herein has completed adducing evidence before the said authority and has filed copies of ordersheets in support of his contention that the parties have been directed to file written notes and the case is now pending for final orders.
5. Learned counsel for the petitioners submits that the issue raised before the Learned Referee as to the point of jurisdiction was on the ground that:-
 - (i) *There was no employment contract by and between petitioner and respondent no.3. Admittedly, during the probation, respondent no.3 tendered resignation without any demand whatsoever. Such sudden resignation caused financial and administrative prejudice to the employer.*
 - (ii) *There was no statutory and/or contractual payment due and payable to the probationer. The allowance as claimed can not be considered as 'Wages' as provided in THE PAYMENT OF WAGES ACT, 1936.*
 - (iii) *The claim submitted by the probationer is neither a statutory claim nor claim borne out*

of any contract. The claim of allowances depending upon performance of probationer and thus cannot be construed as 'Wages'. The submission of claim under West Bengal Shops and Establishment Act, 1963 is an after-thought."

6. On considering the said issue it appears that the point of jurisdiction as raised by the petitioners herein before the Learned Referee on the definition of 'Wages' **is a mixed question of law and facts** and the said issue can only be decided on considering the evidence adduced before the Learned Referee and as such at the stage of final adjudication of the proceeding.
7. Accordingly, the writ application being **WPA 555 of 2026** is disposed of with the direction that the Learned Referee shall proceed to conclude the hearing of the proceedings before it and on completion of hearing, the Learned Referee will also take into consideration the point of jurisdiction, considering the evidence and materials on record and by passing a reasoned order, shall also decide the issue of jurisdiction, while passing the final order in the said case.
8. The Learned Referee shall make all endeavour to dispose of the proceeding which is at its final stage preferably within a period of three months from

the date of this order granting an opportunity to the petitioners herein to adduce evidence and file notes of arguments.

9. It is made clear that none of the parties before Learned Referee shall pray for unnecessary adjournment and shall assist the Learned Referee to conclude the proceeding expeditiously.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on urgent basis after completion of all necessary formalities.

(Shampa Dutt (Paul), J.)