

10.04.2026
Item No.25
Ct. No. 30
Aloke

WPCRC 44 of 2026
In
WPA 3125 of 2025

Metro Railway Workers'
Vs
Union of India & Ors.

Mr. Suvadip Bhattacharjee
Mr. Balaram Patra
... for the petitioner

Mr. Soumya Majumder, Id. Sr. Adv.
Mr. Debapriya Chatterjee
... for the alleged contemnor

1. The Registrar of Trade Union is present and represented through his learned counsel.
2. On hearing the learned senior counsel appearing for the alleged contemnor, it appears that the order of which violation has been alleged is dated 17.02.2025 and till date matter though heard, has not been disposed of.
3. Mr. Majumder, learned senior counsel appearing for the alleged contemnor relies upon the judgment of the Supreme Court in ***Bhikhubhai Vithlabhai Patel vs. State of Gujarat (2008) 4 SCC 144 para 25*** which reads as follows :

*“25. The formation of the opinion by the State Government is with reference to the necessity that may have had arisen to make substantial modifications in the draft development plan. The expression: “as considered necessary” is again of crucial importance. **The term “consider” means***

to think over; it connotes that there should be active application of the mind. In other words the term “consider” postulates consideration of all the relevant aspects of the matter. A plain reading of the relevant provision suggests that the State Government may publish the modifications only after consideration that such modifications have become necessary. The word “necessary” means indispensable, requisite, indispensably requisite, useful, incidental or conducive, essential, unavoidable, impossible to be otherwise, not to be avoided, inevitable. The word “necessary” must be construed in the connection in which it is used.”

4. It appears that the matter is required to be heard.
5. The presence of the Registrar of Trade Union is dispensed with.
6. Affidavit of compliance be submitted by the alleged contemnor on the next date of hearing.
7. Matter be listed on **15th May, 2026**.

(Shampa Dutt (Paul), J.)