

06.05.2026
Item No.17
Ct. No. 30
Aloke

WPA 26948 of 2025

**Calcutta Jute Manufacturing Company Limited
Vs.
Dasarath Rajbhar & Ors.**

Mr. Soumya Majumder, Id. Sr. Adv.
Mr. S.K. Singh
Mr. Ravi Kr. Dubey
Mr. S.R. Singh
...for the petitioner

Mr. Rananeesh Guha Thakurta
Ms. Senjuti Sengupta
... for the respondent/workman

Mr. Rajib Ray
... for the respondent no. 4/ESI

1. The writ application has been preferred challenging orders dated 15.09.2025 and 17.11.2025, passed by the Controlling Authority.
2. Vide the impugned order dated 15.09.2025, the Controlling Authority held as follows :

“1. The petition dtd. 9/9/25 pertaining to the misplacement of attendance & wage records/register does not annex the copy of G.D. with the Phoolbagan P.S.; which ought to be done by the O.P.

2. The ESIC can only produce the records of ESI contribution; they will not be able to produce the whole factum of the case or the pecuniary details of the instant employee.

3. Last but not the least, if the OP Co. did not send the subscription for a particular yr.yrs./or time, it would not be possible for the ESIC to provide that specifications also.

4. The West Bengal Payment of Gratuity Act, 1972 is a beneficial legislation for

protection or welfare of the working class. Further delaying would be denial of justice to the applicant workman. This is no concrete ground to drag the matter any further.

Hence, the said petition is considered to be redundant and the OPW2 is directed to adduce the evidence on 18/9/25 at 2.00 P.M. positively”

3. Vide the other impugned order dated 17.11.2025, the Controlling Authority directed as follows :

“Both turned up.

The A/R of the OP Co. submitted an appl. dtd. 17/11/25; a copy of the same has been received by the A/R of the appl. with objection. The said petition is heard, considered and rejected.

The cross-examination of OPW2 has been held today and it has been concluded and kept on record. No documents produced .

The OP Co. is directed to appear on 18/11/25 at 12.15 p.m. for further evidence (if any).”

4. In course of hearing, the ESI Corporation has filed a report in the form of affidavit and has provided the details in paragraph 7 of the said report.

5. The respondent workman herein submits that the contribution in respect of the petitioner has been shown in the said report till the period of 30th September, 2025 whereas he has been in service with the petitioner herein only till the year 2017. The total number of days worked by the respondent workman has also been shown in paragraph 8 of the said report.

6. The petitioner's case is that they received an application in Form-N dated 11.05.2016 from the respondent no.1 but it was served upon the petitioner in the year 2024.

7. It appears from the said copy of Form-N that the application has been made by the respondent/workman before the Controlling Authority stating that **he has superannuated in December 2015.**

8. The petitioner has preferred the writ application praying for the relevant documents to be produced by the ESI Authorities in respect of the respondent/workman, to adduce the said evidence before the Controlling Authority to prove the period of employment and the period of days worked. The Controlling Authority has refused the said prayer of the petitioner herein and hence the writ application.

9. Learned counsel appearing for the respondent submits that even though the respondent has retired in December 2015, the report shows contribution for subsequent periods also.

10. Learned senior counsel appearing for the petitioner submits that the same, could be for the reason that the respondent/workman might have been employed elsewhere during the subsequent period, when such contribution was made.

11. Considering that the ESIC has provided the details as prayed for by the petitioner herein, the impugned orders dated 15.09.2025 and 17.11.2025,

passed by the Controlling Authority, Calcutta, are set aside.

12. On hearing the learned counsels for the parties and on perusal of the documents on affidavits filed before this Court, the writ application is disposed of **with liberty granted to the petitioner to use the report as placed by the ESI Authorities on affidavit in support of their case before the Controlling Authority.**

13. The Controlling Authority shall proceed from that stage and on considering the said affidavit and the documents placed, taking into consideration the said evidence on record, decide the claim of the respondent/workman, in accordance with law, expeditiously, preferably within 60 days from the date of this order.

14. WPA 26948 of 2025 stands disposed of.

15. Connected application, if any, stands disposed of.

16. 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.)