

08.06.2026  
Court No.13  
Item No. 9  
sp

**MAT 2264 of 2024**  
Howrah Zila Contractors' Shramik Union  
Vs.  
Rakshak Subidha (P) Ltd. & Ors.

Mr. Rananeesh Guha Thakurta,  
Ms. Senjuti Sengupta,  
Mr. Pulin Ch. Maity.

.... For the appellant.

Mr. Soumya Majumdar, Id. Sr. Adv.,  
Mr. Debanjan Mukherjee.

..for the respondent no. 1.

Mr. Ranjay De, Id. Sr. Adv.,  
Mr. S. Choudhury,  
Mr. A. Bose.

..for the respondent no. 3.

1. The appeal is directed against an order dated 9<sup>th</sup> September, 2024 passed by a Single Bench of this Court. The writ petition was filed by a labour contractor, challenging an order dated 1<sup>st</sup> August, 2024 passed by the Second Industrial Tribunal, West Bengal.

2. By the said order, the Tribunal rejected an application made by the labour contractor for adducing additional evidence. Admittedly, the trial in respect of the final reference is still underway.

3. The Tribunal appears to have pre-assessed the evidentiary value of the additional documents sought to be relied upon by the labour contractor. The Single

Bench was of the view that the Tribunal committed error in pre-judging the entire issue.

4. This Court is in agreement with the findings of the Single Bench that the relevancy of the documents in the effect of certain employees leaving the employment of the labour contractor and joining other establishments and as to whether certain employees have resigned and not entitled to benefits and as to whether the death of one of the applicants could enure any benefits to the legal heirs is a matter to be decided in course of the final reference, a piecemeal decision or pre-judging an issue that arises out of the main reference is wholly undesirable.

5. Admittedly, the labour contractor is entitled to either amend pleadings or introduce evidence that may aid and assist in the Tribunal arriving at a comprehensive decision.

6. In the light of the above, this Court is of the view that the impugned judgment and order passed by the Single Bench does not call for any interference. The order of the Tribunal dated 1<sup>st</sup> August, 2024 is held to be incorrect and the order of setting aside is upheld.

7. The respondents shall within a period of 3 weeks from date mandatorily and positively file additional written statement disclosing all documents in addition to once already proposed to be disclosed in the reference. The Tribunal or the person-in-charge shall attempt to

dispose of the reference after a proper trial in evidence, within a period of 3 months from the date of receipt of a copy of this order.

8. With the aforesaid observations, MAT 2264 of 2024 shall stand disposed of.

9. Consequently, all connected pending applications shall also stand disposed of.

10. There shall be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**

**(Rai Chattopadhyay, J.)**