

15.07.2026.
Item No. 32.
Court No. 13
ap

M.A.T. 2274 of 2025
With
I.A. No. CAN/1/2026
And
I.A. No. CAN/2/2026

Govind Gas Power Company & Ors.
Versus
The State of West Bengal & Anr.

Mr. B. R. Bhattacharya, ld. Sr. Advocate,
Mr. Balai Chandra Paul,
Ms. Tithi Roy.

...For the appellants.

Mr. Debapriya Gupta, ld. AGP,
Mr. Barun Ghosh,
Mr. Biswanath Banerjee.

...For the State.

Mr. Kali Kinkar Dey.

...For the respondent no.2.

Re: CAN 1 of 2026 (Condonation of delay)

1. This is an application filed under Section 5 of the Limitation Act, 1963 for condonation of delay of about 92 days in filing the instant appeal.
2. Having heard the learned Advocate appearing on behalf of the appellants as also considering the statements made in the said application, this Court is satisfied with the grounds indicated therein, as sufficiently explaining delay of 92 days in preferring the appeal.
3. In view of the above, the application for condonation of delay being CAN 1 of 2026 is allowed and disposed of.
4. There will be no order as to costs.

Re: MAT 2274 of 2025 in CAN 2 of 2026

5. The subject appeal is directed against the judgment and order dated 21st August, 2025 passed by a learned Single Judge of this Court in W.P.A. 8239 of 2025. By the impugned judgment, the learned Single Judge refused to interfere with an Award dated 30th January, 2025 passed by the learned 9th Industrial Tribunal, Paschim Bardhaman at Durgapur in Case No. 5/23 under Section 2A(2) of the Industrial Disputes Act. 1947.

6. This Court has carefully considered the judgment of the learned Single Judge as also the Award dated 30th January, 2025.

7. This Court notes that the entire procedure prescribed under the Act of 1947 and the Rules framed thereunder have been followed. The appellants were duly heard and evidence of witnesses and documentary evidence were considered by the Tribunal and duly analyzed.

8. The Tribunal appears to have arrived at a finding that the respondent no.2 was indeed a Workman, who was wrongfully terminated by the appellants on 3rd May, 2022.

9. In the backdrop of the above and considering the issues framed by the Tribunal and the findings arrived at, this Court has no reason to interfere with the impugned Award.

10. There is, however, some substance in the arguments advanced by the learned Advocate for the appellants that the Workman had reached the age of superannuation upon attaining the age of 58 years. The respondent Workman shall only be entitled to back wages from May, 2022 to November, 2022.

11. In addition to the above, the Workman shall be entitled to all the benefits normally payable to a Workman upon reaching the age of superannuation as on 30th November, 2022.

12. With the aforesaid directions, M.A.T. 2274 of 2025 shall stand disposed of.

13. In view of disposal of the appeal itself, the connected application being CAN 2 of 2026 shall also stand disposed of.

14. There will be no order as to costs.

15. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)