

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
APPELLATE SIDE

Present:

The Hon'ble Justice Shampa Dutt (Paul)

WPA 13223 of 2026

Ranajit Kumar Khanra
Vs.
The State of West Bengal & Anr.

For the Petitioner : Ms. Ankita Mishra,
Mr. Priyam Misra.

For the State : Ms. Manju (Manot) Agarwal, Ld. AGP,
Mr. Koushik Bhatta.

For the Respondent : Mr. Victor Chatterjee,
No.2 Mr. Supreem Naskar.

Judgment reserved on : 22.07.2026

Judgment delivered on : 18.08.2026

SHAMPA DUTT (PAUL), J. :

1. The writ application has been preferred challenging an order dated 17.02.2026 passed by the learned 2nd Labour Court, West Bengal, in Computation Case No. 18 of 2011, **directing recomputation** of the amount payable to the petitioner at the wage rate he would have been entitled to receive at the time of his superannuation at the age of 60 years, with all applicable wage

revisions, increments, and Dearness allowance enhancements, and along with interest thereon.

2. Vide the impugned order, the learned 2nd Labour Court, West Bengal passed an order as follow:-

“That the application under Section 33C(2) is allowed partly.

The applicant/employee Ranjit Kumar Khanra is entitled to get due wages. O.P./Management is directed to pay due wages of the workman for the period from January, 2006 to October 2009 amount to Rs. 1,43,336/- (Rupees one lac forty-three thousand thirty-six) only from the date of filing of this application till the date of actual payment.”

3. It is the case of the petitioner herein that he joined respondent no.2 company being M/s. Kanoria Jute and Industries Limited in 1969 as time-keeper. His service was wrongfully terminated on 25.04.1980. On 22.11.1995, the learned 4th Industrial Tribunal (Case No. VIII-74/87) held that the termination was unjustified and reinstatement with full back wages was directed. The award became final on publication and not being challenged.
4. It is the case of the petitioner that he was never reinstated and demands were ignored and as such the petitioner was compelled to file computation cases in which certain payments were made. It is the further case of the petitioner that he has not been paid

wages from January, 2006 to October, 2009 and thus, the petitioner paid for further consideration for further computation and the impugned award has been passed. The petitioner/workman has challenged the impugned order on the ground that the learned Labour Court considered the wages as on January, 2005 till 2009. It is submitted that no enhancement as to the wage in the year 2005 was considered by the learned Labour Court and as such, the computation arrived at in the impugned order is erroneous and is to be calculated as per records on enhancement of wages considering the four decades of notional seniority during 2006 to 2009.

5. The following Judgments are relied upon:-

i. *Hindustan Tin Works Pvt. Ltd v. Employee of Hindustan Tin Works Pvt. Ltd, (1979) 2 SCC 80.*

ii. *Deepali Gundu Surwase v. Kranti Junior Adhyapak Mahavidyalaya (D.Ed.) (2013) 10 SCC 324.*

iii. *Mohan Lal v. Management of Bharat Electronics Limited, (1981) 3 SCC 225.*

**iv. Surendra Kumar Verma v. Central Govt.
Industrial Tribunal-cum-Labour Court, (1980) 4
SCC 443.**

6. The petitioner has thus prayed for setting aside of the impugned order and has prayed that the Court to be directed to recompute the wages. The petitioner further states that he is now aged about 75 years.
7. The respondent/company's case is that they have already filed another writ application being **WPA 10987 of 2026** wherein they being the petitioners have stated that during **the period from 2006 to 2009, the jute mill was under closure**, due to the agitation of the workman and as such the petitioner is not entitled to any wages for the said period.
8. An order dated 05.08.2025 was passed by the respondent No.2 and order dated 15.01.2025 was passed by the respondent No.3, being Controlling Authority and the Appellate Authority, respectively.
9. The petitioner joined the respondent mill in the year 1969. Though no documents of birth was proceeded, he deposed that he was born in the year 1951. Date of superannuation as deposed is 58 years and as such the petitioners superannuation was in the year 2009.

10. The learned Judge, Fourth Industrial Tribunal, held as follows:-

“P.W. 1 Ranajit Kumar Khanra, the concerned workman has stated on oath that he was appointed as Tire Keeper in the Company in 1969, He had a clean service record, He has also stated that he never handled any cash and also never distributed any money of the Company to any of the workman.

Since the Company did not contest the case the Tribunal has no other alternative but to accept the revision of the concerned employee and accordingly I hold that the termination of service of Shri Ranajit Kumar Khanra is unjustified. He is accordingly entitled to reinstatement in service with full back wages.”

11. The learned Judge, 2nd Labour Court, West Bengal, held:-

“19. Moreso, it is uncovered from Exhibit-6(series) that the applicant filed cases being 27 of 1996, 06 of 2000, 11 of 2003, 01 of 2006 under section 33C(2) of the Industrial Disputes Act 1947 and this court computed the back-wages of applicant till 2005.

Additionally this court has found that the date of birth of applicant Ranajit Kumar Khanra is 24.10.1951 and the superannuation age in the O.P. Company is 58 years as per clause 13C of the standing order of the company, therefore, the applicant Ranajit Kumar Khanra reached at the age of superannuation in October 2009, but he has claimed the backwages till 2011, so he is not entitled to get backwages after October 2009.

*20. Besides, that **this court has found from evidence on record that the applicant has not produced any evidence to establish his salary or salary of his co-workers in the O.P. Company in 2006 to 2009 but Ld. Counsel for the management admitted in the written notes of argument that the applicant joined the service of O.P. in 1969 and his salary was Rs.2016/- at that time and it was increased to Rs.3116/- in January 2005,** so admittedly the salary of applicant in the month of December 2005 was Rs.3116/-. Moreso, the applicant has not been able to prove with*

cogent and substantial evidence that his salary was Rs.7000/- in 2006. Apart from that the applicant has also failed to prove that he is entitled to get annual increment and house rent as well as yearly bonus. Similarly the applicant has also failed to prove that he was entitled to get monthly salary of Rs.8500/-, house rent @Rs.510/- and annual bonus @Rs.8500/- in January 2009. Thus this court has found insufficient evidence of the applicant in this matter and the applicant has been preferably failed to prove that he was entitled to get wages @Rs.7000/- per month to Rs.9000/- per month annual increment, bonus and house rent allowance. Furthermore, there is no whisper in the affidavit in chief of the applicant/P.W.-1 that he was not employed during the claim period. Moreso, he has not produced any document to show that he did not reach the age of superannuation in 2011. However, he admitted that his date of birth was 24.10.1951.

22. However, Ld. Counsel for the management vehemently argued by relying the judgment of

*Hon'ble High Court of Madhya Pradesh in connection with W.P. no. 6338 of 2020 decided on 20.11.2023 that the applicant is not entitled to get any order in this case **as he has filed this case after 15 years of passing the award.** This court after perusal of referred judgement and evidence on record i.e. Exhibit-6(series) that the applicant filed computation case no. 27 of 1996 under section 33C(2) of Industrial Disputes Act in the year 1996 and he has filed other computation cases time to time. Thus he has not filed computation case after expiry of 15 years from date of passing of award. Moreso, the facts and circumstances of this case is distinguished from the referred case, so the ratio of the referred case, is not applicable in this matter.*

Ordered

That the application under Section 33C(2) is allowed partly.

*The applicant/employee **Ranjit Kumar Khanra** is entitled to get due wages.*

O.P./Management is directed to pay due wages of the workman for the period from January 2006 to October 2009 amounting to Rs. 1,43,336/- (Rupees one lac forty-three thousand thirty-six) only to the applicant Ranjit Kumar Khanra.

Interest @ 10% per annum to be added on the amount of Rs. 1,43,336/- (Rupees one lac forty-three thousand thirty-six) only from the date of filing of this application till the date of actual payment.”

- 12.** The petitioner in WPA 10987 of 2026/the respondent company herein has made out a case that the company was closed from 2006-2009 along with documents in support.
- 13.** The petitioner herein could not produce any documents against such claim of the company. The 2nd Labour Court has clearly held that the petitioner could neither produce his pay slip or any of his co-workers for the said period 2006-2009, which prima facie adds strength to the case of closure of the company.
- 14.** In WPA 10987 of 2026 the company has clearly proved that the mill was closed from 2006 to 2011 due to labour unrest.

15. The labour Court categorically held that the workman himself stated his date/year of birth as 1951. Thus took the date of superannuation as 2009.
16. The workman cannot expect to receive such wages beyond the date of superannuation without producing any proof, considering that the company is now closed down, when **he has prayed for computation beyond his superannuation.**
17. The labour Court in the impugned award rightly held that the workman could not produce any documents against the claim of the company regarding closure from 2006 to 2011.
18. **The said notice (exhibit-B) before the 2nd Labour Court declared closure w.e.f. 21st March, 2006 from 6 A.M. The labour Commissioner was duly informed.**
19. **The document at page 118 to the writ application is the letter informing about the opening of the mill w.e.f. from 22.08.2011.**
20. **This document was also marked exhibit 'D' by the labour Court on 17.08.2022, but again not taken into consideration by the labour Court.**
21. **Exhibit 'E' before the 2nd labour Court copy at page 119 is a notice dated 22.08.2011 as declaring opening of the mill at 11 A.M.**

- 22. The exhibited documents of closure and opening of the mill herein clearly prove that due to severe labour unrest the mill remained closed from 2006 to 2011.**
23. The workman too could not prove that any other workman received any pay/wages for the said period as held by the 2nd labour Court.
24. The workman is thus not entitled to any wages for the period from 2006 to 2009 as granted.
25. Thus the company is not liable to make any payment for the said period.
26. The development of 'closure' being long after the award had to be considered by the labour Court and the workman cannot expect to continue receiving wages during the said period nor can he continue to receive the same beyond his age of superannuation.
27. Thus the impugned award dated 17.02.2026 passed by the learned 2nd Labour Court, West Bengal, in Computation Case No. 18 of 2011, **being not in accordance with law is set aside. The prayer of the petitioner/workman stands rejected for the reasons above.**
28. **WPA 13223 of 2026 is dismissed.**
29. Applications, if any, connected thereto stand disposed of consequently.

30. Interim order, if any, stands vacated.
31. Photostat certified copy of this Judgment, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul), J.]