

Court No. 22

WPA 8935 of 2020

18.12.2020

(DL 3)

(S. Banerjee)

Sri Bappa Nandi & Ors.

Vs.

State of West Bengal & Ors.

Mr. Himangshu Ghosh

... for the petitioners

Mr. Susanta Pal

... for the State

Mr. Amit Meheria

Mr. P. Banerjee

Mr. S. Paul

Mr. Ratul Ghosh

... for the respondent nos. 4 to 6

The petitioners' case is that on 31st July, 2020 all of them, who were working under a contractor of Indian Oil Corporation, were terminated. They termed it as wholly illegal termination without giving any opportunity of hearing, i.e., without following the principles of natural justice. After such termination they have sent a representation dated 10th August, 2020 to the Assistant Labour Commissioner, Nadia. The further grievance of the petitioners is this that for more than four months they have not received any communication from the Assistant Labour Commissioner in respect of their grievance as has been ventilated in the said writ petition.

The learned advocate for the State, Mr. Susanta Pal, submits that this is a matter which is required to be decided by the Central Government and not by the Assistant Labour Commissioner here.

However, I am not entering into such question at this stage. The Assistant Labour Commissioner, to

whom the said representation dated 10th August, 2020 has been sent, will decide on this question.

Mr. Pal has also submitted that the dispute of the petitioners, who are the labourers, are required to be dealt with under Section 12 of the Industrial Disputes Act and the learned advocate for the petitioner submits that the Assistant Labour Commissioner has the jurisdiction to deal with such dispute under Section 4 for conciliation of the matter.

However, I direct the Assistant Labour Commissioner, Nadia, to whom the representation has been made, to look into the matter forthwith and to take a decision in accordance with law in that regard after giving an opportunity of hearing to the parties and to communicate the same to the petitioners and the other parties within eight weeks from date. The whole exercise as aforesaid, is to be completed within eight weeks from date.

With the above observations the writ petition is disposed of.

(Abhijit Gangopadhyay, J.)