

07.10.2021
rc/ct.no.10
Item No.164&165

WPA No. 2009 of 2020
The Workman represented by Haldia Dock Complex
Berthing Officers' Association & Anr.
Versus
Haldia Dock Complex (concerned Authority and their
Management) & Ors.
With
WPA No. 2008 of 2020
The Workman represented by Haldia Dock Complex
Berthing Officers' Association & Anr.
Versus
Haldia Dock Complex (concerned Authority and their
Management) & Ors.

(VIA VIDEO CONFERENCE)

Mr. Debjyoti Basu	
Mr. Jayeed Hossain	...for the petitioners
Mr. Sanjib Seni	for the UOI

Re : WPA No. 2009 of 2020

The first petitioner is Haldia Dock Complex Berthing Officers' Association and the second petitioner is the Secretary of the Association. The petitioners requested the appropriate authorities to make suitable reference before the Central Government Industrial Tribunal at Kolkata to adjudicate the grievances of the members of the association. Accordingly respondent no. 2 made such reference before the respondent no. 4 on November 27, 2003.

Learned counsel appearing on behalf of the petitioners submit that after completion of evidence of both the parties before the Tribunal the petitioners sought production of certain documents by the respondent no. 1

and such prayer of the petitioners was allowed by the learned Tribunal which directed respondent no. 1 to file such documents. The petitioners allege that despite being granted several opportunities, the order of the Tribunal has not been complied with by the respondent no. 1. The matter is still pending disposal before the Tribunal.

Learned counsel appearing on behalf of the respondent no. 2 concedes to the submission made by the petitioners and submits that a time frame may be given to the respondent no. 4 for disposal of the reference pending before it.

It is extremely unfortunate that reference initiated in the year 2003 is still pending before the learned Tribunal.

Having considered the submissions made by the parties and the materials on record, the learned Tribunal i.e. respondent no. 4 is requested to dispose of the reference case being no. 42 of 2003 on merits by a speaking order within a period of six months from the date of communication of this order. It is hoped that no adjournment shall be granted by the learned Tribunal to either of the parties except under exceptional circumstances.

With the above observations and directions this writ petition being WPA No. 2009 of 2020 is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties on usual undertakings.

Re : WPA No. 2008 of 2020

The first petitioner is Haldia Dock Complex Berthing Officers' Association and the second petitioner is the Secretary of the Association.

In the reference no. 42 of 2003 pending before the learned Tribunal, the petitioners filed an application under Section 33A of the Industrial Disputes Act, 1947 which was registered as Miscellaneous Application No. 3 of 2005.

The petitioners' grievance is that the said Miscellaneous Application has not been disposed of as yet despite the fact that the evidence of the parties have been concluded therein.

The petitioners pray for a direction upon the learned Tribunal (respondent no. 4) to dispose of the Miscellaneous Application within a specified time period.

The Union of India has no objection to such prayer of the petitioners.

Accordingly, respondent no. 4 is requested to dispose of the Miscellaneous Application No 3 of 2005 as expeditiously as possible, preferably within a period of two months from the date of communication of this order.

It is submitted by the learned counsel appearing on behalf of the petitioner that as the Miscellaneous Application No. 3 of 2005 is part and parcel of the

reference case being No. 42 of 2003, the said case be tagged with the reference case.

The petitioners are at liberty to make such prayer before the learned Tribunal and the learned Tribunal shall dispose of such prayer in accordance with law.

With the above observations and directions this writ petition being WPA No. 2008 of 2020 is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties on usual undertakings.

(Suvra Ghosh,J)