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13.04.2021
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WPA 8531 of 2021

M/s. Birla Building Ltd.
Vs.
The State of West Bengal & Ors.

Mr. Nayan Rakshit.
... for the petitioner.

Mr. Suvadip Bhattacharya.
... for the respondent.

This writ application has been filed challenging the orders dated 23rd April, 2019 and 13th November, 2019. The learned advocate of the petitioner has failed to explain why the 2019 order one in the month of April and one in the month of November has been challenged by filing this writ application in the month of March, 2021. The plea of pandemic cannot be taken in this matter because the petitioner got sufficient time to come before this Court. The petitioner is not a destitute or a poor man, it is M/s. Birla building Ltd. Hence the question of delay defeats equity comes into play and firstly on this ground I am not inclined to accept this writ application. Secondly, from the order shown to me at page 173 it is crystal clear that the matter is in the interim stage and the 2nd Industrial Tribunal before whom the matter is

pending has made certain observations as to the validity of the domestic enquiry and has granted opportunity to adduce "fresh evidence" in the matter during the hearing of the case on merit. Thus, this matter has come before this Court at the interim stage.

The petitioner submits that the Tribunal has failed to adjudicate on the question of domestic inquiry and this is the grievance of the writ petitioner. I reject such submission as it does not have any merit at this stage.

Learned advocate for the private respondent being the respondent no. 3 has submitted that this is nothing but a ploy to delay the matter and that is why in such a fashion the writ application has been filed.

I find that the Tribunal has not made any mistake and it transpires that Section 11A of the Industrial Disputes Act, 1947 has been followed by the Tribunal. Hence I do not find any merit in the writ application and this writ application is dismissed with a cost of Rs.10,000/- to be paid to the private respondent within 15 days from the date of this order.

(Abhijit Gangopadhyay, J.)

