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F.M.A. 727 of 2019
With
I.A. CAN 1 of 2019 (Old CAN 5073 of 2019)

Sri Uttam Majumdar.
Vs.
The State of West Bengal & ors.

None appears for the parties. Though we may be fully justified in dismissing the appeal for non-prosecution, we perused the order impugned dated 27th February, 2019 wherein the writ petition was rejected on the ground that the appellant / writ petitioner was not in a position to inform the Court in which forum the application under Section 10 read with Section 11 of the Industrial Disputes Act, 1947 was pending. While rejecting the writ petition, the learned Single Bench has permitted the writ petitioner to file a fresh application seeking similar relief after mentioning the appropriate forum where the application is pending.

We find no error in the order. Furthermore, the order impugned was passed on 27th February, 2019. Therefore, no useful purpose would be served by keeping this appeal pending.

Accordingly, the appeal and the connected application are disposed of preserving the liberty granted

by the learned Single Bench or in the alternative, to file an appropriate application before the concerned forum where the application is pending, requesting for an early hearing of the matter if the matter has not yet been heard and disposed of till date. If such application is filed, the concerned forum shall afford an early date for disposal of the matter.

Urgent photostat certified copy of this order, if applied for, be given to the parties expeditiously upon compliance of all legal formalities.

(T. S. Sivagnanam, J.)

(Hiranmay Bhattacharyya, J.)