

30.11.2021
rc/ct.no.10
Item No.129

WPA No. 17157 of 2021
Suresh Mahato
Vs.
The State of West Bengal & Ors.

Mr. Nayan Rakshit ...for the Petitioner

Mr. Chandi Charan De
Mr. Ram Chandra Guchait ...for the State

Affidavit of service filed in Court today be taken on record.

None appears on behalf of the 4th respondent despite service of notice.

Heard learned counsels appearing for the petitioner, respondents no. 1, 2 and 3.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was terminated from service with effect from August 04, 1998 by the respondent no. 4 which was challenged by the petitioner before the learned Second Labour Court, Calcutta.

Upon consideration of the pleadings of the parties, the learned Labour Court passed an award in favour of the petitioner on December 30, 2003, directing the 4th respondent to reinstate the petitioner in service and to pay him full back wages within a period of 60 days from the date of receipt of the order. The petitioner complains that the award was published on January 27, 2004 the company took no steps for compliance of the same for which the petitioner filed computation case being case no.

COM-20/2005 under the provisions of Section 33(C)(2) of the Industrial Dispute Act, 1947 before the learned 1st Labour Court, Calcutta. The said application was allowed on March 30, 2012 with a direction upon the respondent company to pay Rs.1,43,500/- to the petitioner within a period of two months. Such order not being complied with by the company, the petitioner submitted a prayer before the 2nd respondent for recovery of the said amount by issuance of a certificate under Section 33(C)(1) of the Industrial Disputes Act, 1947. Such application is pending before the 2nd respondent since 2012. The petitioner prays for consideration of the said application by the competent authority.

Having considered the submissions made by the learned counsels appearing on behalf of the parties and the material on record, I dispose of the writ petition with a direction upon the respondent no. 2 to consider and dispose of the application filed by the petitioner on June 01, 2012 within a period of one month from the date of communication of this order, after giving reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

With the above observations and directions this writ petition being WPA No. 17157 of 2021 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)