

Form No. J.(2)

Item No. 21 (ML)

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION**

APPELLATE SIDE

HEARD ON : 19.12.2022

DELIVERED ON : 19.12.2022

CORAM:

**THE HON'BLE MR. JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE SIDDHARTHA ROY CHOWDHURY**

M.A.T. No. 237 of 2020

With

I.A. No. CAN 1 of 2022

Nasiruddin Mondal

Vs.

Union of India & Ors.

Appearance:-

Mr. Ravi Kumar Dubey for the appellant

Mr. Soumya Majumder

Mr. S. Bhattacharya

Mr. Victor Chatterjee for the IOCL

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, J.)

1. This intra-Court appeal by the writ petitioner is directed against the order dated 2nd January, 2020 in W.P. No. 8832(W) of 2017. The appellant filed the writ petition challenging the order passed by the Deputy Chief Labour Commissioner, (Central), Kolkata dismissing the application filed under section 29 of the Industrial Disputes Act, 1947 ('the Act' for brevity) wherein the appellant

complained of alleged violation of the award dated 23rd August, 2002 passed under sections 10 (1)(d) and 2A of the Act. The award was one of reinstatement with compensation of Rs. 30,000/-

2. The appellant alleged that the respondent/management gave offer of reinstatement as a probationer and he declined to accept the same. If the workman has not accepted the offer or in other words not accepted the implementation of the award on his own volition, then obviously the Deputy Chief Labour Commissioner was fully justified in rejecting the application filed under section 29 of the Act .

3. These facts were rightly noted by the learned writ Court and the writ petition stood dismissed. We find absolutely no grounds to interfere with the said order. Furthermore, we are informed that as of now the appellant has crossed the age of superannuation and the question of reinstatement of the appellant does not arise any longer.

4. In the light of the above, we find no good ground to interfere with the order of the learned writ Court. Accordingly, the appeal fails and is dismissed with connected application.

5. There shall be no order as to costs.

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

(T.S. SIVAGNANAM, J.)

I agree,

(SIDDHARTHA ROY CHOWDHURY, J.)

RAJA/Pallab, AR (Ct.)