

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1519/2021

SRI RABI SHANKAR DAS AND ANR
VS
UNION OF INDIA AND ORS

BEFORE:

The Hon'ble JUSTICE RAJA BASU CHOWDHURY

Date : 20th September, 2022.

Appearance:

Mr. Supriyo Chattopadhyay, Adv.
Mr. Sudip Kr. Maiti, Adv.

Ms. Deblina Lahiri, Adv.
Mr. M. Chatterjee, Adv.

The Court : The present application has been filed inter alia for expeditious disposal of the reference pending before the Central Government Industrial Tribunal at Kolkata. The petitioners say that although by an order dated 30th November, 2018 a reference has been made by the appropriate Government, no steps are being taken by the Central Government Industrial Tribunal at Kolkata for adjudicating the reference. The petitioners say that though the petitioners are entitled to minimum wages the same are not being disbursed in their favour.

Mr. Chattopadhyay, learned advocate appearing on behalf of the petitioners submit that the instant application was filed before this Hon'ble Court inasmuch as the Central Government Industrial Tribunal was not

functioning. He also complains of violation of Article 14 of the Constitution of India and says that similar circumstanced employees are being paid minimum wages, which the petitioners are being denied.

Per contra, Ms. Lahiri, learned advocate appearing on behalf of the respondent nos. 2 and 3 submits that the Central Government Industrial Tribunal is at present functioning and this Hon'ble Court ought not to exercise its extraordinary jurisdiction. She submits that it is open to the petitioners to seek for appropriate directions from the Central Government Industrial Tribunal. She also submits that the petitioners are not entitled to the reliefs as claimed as the petitioner no.1 was engaged on need basis and the petitioner no.2 is not rendering any services.

I have considered the submissions made by the respective advocates. I am of the view that since the Central Government Industrial Tribunal, Kolkata is at present functioning, it would be appropriate to permit the petitioners to seek for appropriate reliefs before the Central Government Industrial Tribunal at Kolkata. However, taking into consideration the fact that the aforesaid reference is pending since the year 2018, it would only be appropriate to request the Central Government Industrial Tribunal at Kolkata to take up this matter for hearing and dispose of the same as expeditiously as possible within a period of one year from date without granting any unnecessary adjournments to any of the parties. If any application is made by the petitioners, the same shall also be heard out and disposed of by the Central Government Industrial Tribunal at Kolkata expeditiously.

With the aforesaid observations and/or directions, the present writ application being WPO/1519/2021 stands disposed of. It is made clear that this Court has not gone into the merits of this case and as such, the Central Government Industrial Tribunal at Kolkata shall hear out and dispose of the reference without being influenced by any of the observations made herein.

All parties to act on the server copies of this order downloaded from the official website of this Hon'ble Court.

(RAJA BASU CHOWDHURY, J.)

D.Ghosh