

17.04.2023
Item No.2
Court No.550
Saswata

W.P.A. 1485 of 2023
M/s Lagan Engineering Company Limited
(erstwhile The Lagan Jute machinery Co. Ltd.)

-vs-

The Third Industrial Tribunal, West Bengal & Ors.

Mr. Soumya Mazumder
Ms. Anamika Pandey
Mr. G. Pandey
Ms. Amrita Pandey

...For the petitioner

Mr. Malay Krishna De
Mr. Arunava Maiti

...For the State of West Bengal

Mr. Uddipan Banerjee

...For the respondent no. 2

The present writ application has been filed, inter alia, challenging the orders dated 8th December 2022 and 5th January 2023 passed by the learned Third Industrial Tribunal, Kolkata in Case no. 3 of 2021.

The parties say that the parties are interested in seeking disposal of the case pending before the Learned Tribunal.

Mr. Banerjee, learned advocate appearing for the respondent no. 2 submits that if the petitioner is interested to cross-examine, PW-1 he may do so. Such cross-examination, however, should not unnecessarily be continued for days together. According to Mr. Banerjee if the cross-examination is commenced on a particular day and concluded on the same day, he has no objection in the petitioner continuing and concluding such cross-examination of the respondent's witness on the same day.

Heard Mr. Majumder, learned advocate appearing for the petitioner.

In my view, no fruitful purpose will be served by keeping the writ petition pending.

In view thereof, Mr. Majumder's client shall be at liberty to cross examine the respondent no.2's witness being PW-1 whose cross-examination was closed by order dated 4th January 2023, on the next available date fixed before the Tribunal. It is made clear that if the cross-examination is not concluded on the said date, the Learned Tribunal may adjourn the matter and fix a further date for cross-examination. However, no unnecessary adjournments shall be afforded to either of the parties.

It is expected that the cross-examination of PW-1 shall be concluded within a period of one month from the date of communication of this order.

To the extent as aforesaid, the order dated 4th January 2023 passed the Learned Third Industrial Tribunal, Kolkata stands modified.

With the above directions, the writ petition being WPA 1485 of 2023 is disposed of.

Urgent photostat certified copy of this order, if applied for be given to the parties on priority basis upon compliance of requisite formalities.

(Raja Basu Chowdhury, J.)