

01.12.2023.
Court No.13
Item No. 6
ap

W.P.A. No. 2839 of 2022
With
I.A. No. CAN 1 of 2022

Hindustan Aeronautics Limited Employees' Union & Ors.
Versus
Union of India & Ors.

Mr. Soumya Majumder,
Mr. Ravi Kumar Dubey.

...For the petitioners.

Mrs. Sabita Roy.

....For the UOI.

Mr. L. K. Gupta, ld. Sr. Advocate,
Mr. Ranjay De,
Mr. Basabjit Banerjee.

...For the respondents.

1. The subject matter of the writ petition is a medical benefit available to the dependants of the employees of Hindustan Aeronautics Limited (in short 'HAL') under an existing settlement.

2. By a notice under Section 9A of the Industrial Disputes Act, 1947, the Management has proposed to modify the said Medical benefit. The writ petition was filed challenging the action of the Management.

3. The writ petition was entertained because the Central Government Industrial Tribunal, Kolkata (in short 'CGIT, Kolkata') was not functional at the relevant point of time and interim order came to be passed on 18th May, 2022 directing that the existing medical benefit to the employees should not be disturbed during the pendency of the writ petition. Affidavits have been exchanged.

4. An application has been filed by the respondent HAL seeking vacation of the interim order dated 18th May, 2022.

5. There have been some developments in the meantime. After conciliation on the question of modification of medical benefits failed, a reference came to be made by the CGIT, Kolkata under Section 10 of the Act of 1947 on 25th May, 2022 being Reference No. 27 of 2022. The Tribunal is now functional and is seized of the reference.

6. In view of the above, this Court is of the view that the writ petition may be disposed of with a direction upon the CGIT, Kolkata to dispose of the aforesaid Reference No.27 of 2022 dated 25th May, 2022 mandatorily and positively within a period of 90 days of receipt of a copy of this order. No adjournments shall be granted to any of the parties.

7. The aforesaid time frame is peremptory and the Tribunal shall strictly ensure compliance of the same.

8. The interim order already passed restraining the Management from modifying the existing medical benefits shall continue until disposal of the reference and abide by any Award that shall be passed by the CGIT, Kolkata.

9. The writ petitioners/workmen undertake before this Court that the Management would be entitled to deduct from their wages and emoluments including all retiral benefits, all amount paid to them, pursuant to

the order dated 18th May, 2022 (supra) if the Management succeeds before the CGIT, Kolkata.

10. It is made clear that this Court has not entered into the merits of the claims raised by the parties and the Tribunal shall proceed to determine the matter independently in accordance with law.

11. With the aforesaid directions, the instant writ petition shall stand disposed of.

12. In view of the disposal of the main writ petition, the connected application being CAN 1 of 2022 shall also stand disposed of.

13. There will be no order as to cost.

14. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)