

11.05.2023
Item No.28
Court No.550
Saswata

W.P.A. 11544 of 2023
National Federation of Jute Workers & Anr.
Versus
The State of West Bengal & Ors.

Mr. Anamika Pandey
Mr. Victor Chatterjee
Mr. R. N. Bandopadhyay

...for the petitioners

Mr. Arijeet D. Mullick
Mr. Subhasis Pyne
Mr. R.N.Pyne

Mr. Sushovon Sengupta

...for the State of West Bengal

Mrs. Manju Bhuteria
Ms. Urmila Chakraborty
Mr. Piyush Kumar

...For the respondent nos. 9 to 14

Mr. Soumya Mazumder
Mr. Aritra Basu
Mr. P.P. Biswas

...For the respondent nos. 7, 8 & 15-18

By moving the present writ application, it is contended by the petitioners that the wages payable to the workers of the respondent no.7 have been wrongfully withheld, the petitioners as such seek intervention of this Court to expedite the conciliation proceedings for disbursement of the arrear wages in favour of the workers.

The petitioner no.1 is a Trade Union and intends to protect the interests of the workers. The petitioner no.1 claims that the Jute Mill of the respondent no.7 has been closed since 3rd April, 2023, following a dispute between the directors of the respondent no.7. This has also resulted in freezing of the bank account.

Despite conciliation proceeding being initiated there has been no positive outcome. The petitioners seek intervention of this Court for early resolution in the conciliation proceedings.

Mr. Mazumder, learned advocate appearing for the respondent nos. 7, 8 and 15 to 18, inter alia, claims that his clients are in the management of the respondent no. 7. It is submitted that the aforesaid respondents, at all materials times, were and are interested to resolve the dispute. He says if the workers are interested to enter into a settlement, such settlement can be entered into in presence of the Joint Labour Commissioner. He, however, submits that the workers had stopped working, which resulted in the suspension of operation of the respondent no. 7.

Ms. Pandey, learned advocate appearing for the petitioners, however, denies and disputes the aforesaid submission of Mr. Mazumder.

Ms. Bhuteria, learned advocate appearing for the respondent nos. 9 to 14, on the other hand, contends that the respondent no. 10 has been illegally removed and proceedings are now pending before the NCLT. She submits that her clients were always interested in running the mill and paying off the dues of the workers. She submits that her clients have already counter-signed the cheques and in the event, Mr. Mazumder's clients sign the cheques, the same can be

disbursed in favour of the workers, provided a settlement is reached so that the account of the respondent no. 7, which has now been frozen by the bank, can be regularized.

Heard the learned advocates appearing for the respective parties. It appears that the respondent no. 7 is at present under lockdown, whatever may be the reasons for the same.

Since, it appears from the submissions made by the parties that a settlement can be reached between the workers on one hand and Mr. Mazumder's clients on the other hand, the parties are at liberty to approach the concerned Joint Labour Commissioner to arrive at a settlement, if possible. In the event, an application is made by the parties, the Joint Labour Commissioner shall organize a meeting within 15 days from the date of receipt of such application.

The aforesaid proceedings shall not prejudice Mr. Bhuteria's clients in any manner.

The aforesaid direction shall, however, not prevent the parties from making any claim, if they are otherwise entitled to in law.

Since, no fruitful purpose would be served by keeping the writ application pending, the writ application being WPA 11544 of 2023 is accordingly ***disposed of*** without any order as to costs.

Since, I have not called for any affidavits, the allegations made in the writ application are deemed to have been denied by the respondents.

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.)