

July 28, 2023
Sl. No.11
Court No.19
s.biswas

CO 2490 of 2023

India Government Mint, Kolkata, the unit of SPMCIL
vs.
The Kolkata Mint Technical Staff Association

Mr. Biswaroop Bhattacharya
Mr. A. N. Bhattacharya
Mr. Hemanta Kumar Das
Mr. Arya Bhattacharyya
Ms. Rimpa Das

... for the petitioner

Mr. Ganesh Chandra Mondal

... being Secretary of the opposite party

Affidavit of Service filed by the petitioner is
taken on record.

The revisional application has been filed by the management of India Government Mint, Kolkata, a unit of SPMCIL being aggrieved by the order dated May 19, 2023, passed by the learned Presiding Officer of National Industrial Tribunal, Kolkata in Reference Case No.49 of 1999.

The dispute is with regard to the terms and conditions of service of the employees of the Mint. During the pendency of the reference case, the management of the Mint had taken a decision not to grant any overtime to the employees. Hence, the employees filed a misc. case being Misc. Application No.2 of 2000, in the reference case.

The matter proceeded rather slowly and it appears that for a long time, the tribunal did not have a learned presiding officer. Hence, the employees were suffering due to the inordinate delay. It also appears that the management's counsel was

not well at a particular time and was not regular in proceeding with the matter. Thereafter, change was obtained.

The management entered appearance in the misc. application, but failed to participate in the hearing of the reference case. The learned tribunal, after affording few opportunities, closed arguments and kept the reference case ready for delivery of award. The misc. application has also been kept for argument.

Mr. Bhattacharya, learned advocate for the petitioner, submits that due to disruption in the functioning of the tribunal and the illness which was being faced by the earlier learned advocate, none represented the management on the dates fixed .

This court, having considered the records and having heard the rival contentions of the respective parties, is of the view that the learned tribunal had granted opportunity to the management to present their case. However, for the grounds as mentioned by Mr. Bhattacharya, this court is of the view that one last opportunity should be given to the management of the Mint to advance their argument in the misc. application and in the reference case. As the employees have been suffering since long, they will be compensated for the delay which occurred in

view of the inability of the management to appear before the learned tribunal on the dates fixed.

Hence, cost of Rs.15000/- to be paid to the employees, within a period of three weeks from date, on the basis of the server copy of this order. The cost shall be paid by the Mint by a demand draft drawn in favour of “the Calcutta Mint Technical Staff Association”. The learned tribunal, upon being satisfied with the compliance of this court with regard to payment of cost, shall allow the parties to advance their arguments with regard to the reference case as also misc. application no.2 of 2000. The parties are directed to complete their arguments within two months from date. In case of default in payment, the award shall be delivered.

As the misc. application is in connection with the reference case and the arguments are inter-related, it is directed that both the matters should be heard simultaneously and disposed of in accordance with law, within the time limit mentioned hereinabove. The learned Tribunal will fix the dates. No adjournment shall be given to the management.

The revisional application is thus disposed of.

The orders dated January 12, 2023 and May 19, 2023 are set aside.

All the parties are directed to act on the basis of the server copy of the order.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Shampa Sarkar, J.)