

29.01.2024
Court No. 13
Item Nos. 3
pk

WPA 1510 of 2022

**Vijai Shree Private Limited
Vs.
State of West Bengal and Ors.**

Mr. S. K. Singh,
Mr. Ravi Kumar Dubey

.... For the Petitioner.

1. This matter has been listed for extension of interim order.
2. By consent of the parties, the main writ petition is itself taken up.
3. It appears from the records that during the pendency of the Reference Case No. 05 of 2012, the workman, Samim Khan died and yet the final award of reinstatement was passed on 29th September, 2021 by the learned Second Industrial Tribunal, Kolkata. Ex facie, it appears to this Court that the award 29th September, 2021 is erroneous.
4. Accordingly, the award dated 29th September, 2021 shall stand set aside. The matter is remanded back to the Tribunal for fresh consideration.
5. In those circumstances, let Reference Case No. 05 of 2012 under Section 10(1B)(d) of the Industrial Disputes Act, 1947 be remanded back and restored to the file of the Second Industrial Tribunal, Kolkata for hearing afresh.

Hearing may commence from the stage of arguments since evidence has already been recorded.

6. The legal heirs of the deceased workman shall be brought on record by the parties before the Tribunal.

7. It is expected that the Second Industrial Tribunal disposes of the remanded Reference Case No. 05 of 2012 within a period of two months from date of receipt of a copy of this order.

8. The writ petition is disposed of.

9. There will be no order as to costs.

10. 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.)