

14.03.2024
Sl. No.5
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5616 of 2024

Tata Steel Limited (Hooghly Met Coke Division)
Haldia Contractors' Mazdoor Sangh & Anr.
Vs.
State of West Bengal & Ors.

Mr. Billwadal Bhattacharyya,
Mr. Sayak Chakraborti,
Mr. Anish Kumar Mukherjee,
Mr. Animesh Bhattacharyya,
Mr. Wrickbrata Roy

....for the petitioners.

Mr. Sirsanya Bandopadhyay,
Mr. Ritesh Kumar Ganguly

....for the State.

Mr. Ranjay De,
Mr. Basabjit Banerjee,
Mr. A. A. Bose

....for the respondent no.3.

By a judgment and order dated 10th August, 2023 passed in WPA 18434 of 2023, being a previous round of litigation between the same set of parties, the Registrar of Trade Unions, West Bengal who was respondent no.2 in the said writ petition and also the respondent no.2 in this writ petition was directed to take a decision with regard to the representation made by the petitioners on 13th July, 2022 by giving an opportunity of hearing to the petitioners. The decision was directed to be taken by the respondent no.2 in accordance with Section 10 of the Trade Unions Act, 1926.

It is the grievance of the petitioners that the respondent no.2 has not disposed of the representation though several months have elapsed from the direction given by the judgment and order dated 10th August, 2023.

It appears after hearing the parties that pursuant to the said order dated 10th August, 2023, the respondent no.2 has given a hearing to the parties, but the decision has not been either taken or communicated to the petitioners. The State respondents, however, do not say that any decision has already been taken.

In the aforesaid facts and circumstances in the presence of all the parties, I direct the respondent no.2 to dispose of the representation dated 13th July, 2022 made by the petitioners within a period of 6 weeks from date, if necessary, by giving a fresh hearing to the parties.

The time period to take a decision in terms of this order is peremptory in nature as it appears to be the second round of litigation and there is already an existing order dated 10th August, 2023 with the direction to take a decision.

The decision should be in accordance with Section 10 of the Trade Unions Act, 1926 as directed by the order dated 10th August, 2023 and should be a reasoned one. The decision shall be communicated to

the parties immediately after passing of the same but not beyond 10 days from such decision.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

Since I have not called for any affidavits, allegations contained in the writ petition, are deemed to have not been admitted by the respondents.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties, upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)