

23.12.2024.
Item No. 7.
Court No. 13
ap

F.M.A. No. 498 of 2019
With
I.A. No. CAN 1 of 2021

M/s. Hindustan Engineering & Industries Limited &
Anr.
Versus
The State of West Bengal & Ors.

Mr. Partha Bhanja Choudhary,
Mr. Anant Kumar Shaw,
Mr. Ravi Kumar Dubey,
Mr. Mainak Ganguly.

...For the appellants.

Mr. Probal Kumar Mukherjee, Id. Sr. Advocate,
Mr. Sukanta Chakraborty,
Mr. Anindya Halder.

...For the respondent no.3.

1. The learned Counsel appearing on behalf of the appellants on instructions dated 18th December, 2024 submits that his clients do not wish to press the instant appeal any further.
2. Let a copy of the instructions of his clients signed in original be kept with the records.
3. It appears from the records that when the writ petition was admitted, a Single Judge of this Court by an order dated 17th August, 2015, directed the employer to secure the Award passed in favour of the respondent workmen by way of a Bank Guarantee for a sum of Rs.2 crores in favour of Registrar General of this Court. The Bank Guarantee has been obtained and furnished to the Registrar General of this Court. It is being renewed till date and is valid as on date.

4. In view of the disposal of the appeal, this Court directs that the appellants shall henceforth continue to renew the Bank Guarantee in favour of the beneficiaries under and to the credit of, the Award dated 28th July, 2014 passed by the learned 8th Industrial Tribunal, West Bengal at Kolkata.

5. The Labour Court shall be entitled to invoke the Bank Guarantee, upon determination of the sums payable to the workman and upon a clear pronunciation thereof. Once the same is determined by the Labour Court, irrespective of any dispute or challenge to the same, the guarantor Bank shall without demur or protest make payment under the Bank Guarantee to the Bank Account of the Labour Court. The sum paid shall be specially earmarked to pay the beneficiaries under the aforesaid Award as calculated by the Tribunal.

6. For the aforesaid purpose, the appellants shall furnish a list of workmen who have been paid their dues and those who are no longer in the muster rolls upon superannuation, to the respondent Union within a period of one month from date.

7. The Union or the individual workman, as the case may be, shall be entitled to approach the Labour Court with appropriate application for computation of their entitlements/execution of the Award dated 28th July, 2014 within a period of four months thereafter.

8. If no such application is filed within four months of the date of furnishing of full details, the appellants shall be entitled to approach the Labour Court concerned for seeking discharge from the obligation of renewing of the Bank Guarantee. The appellant shall be liable for any extra payment payable to the workman as may be adjudicated by the Labour Court. Likewise they shall also be entitled to refund of any balance that may be left over, after disbursement of all sums payable to the workmen as will adjudicated by the Labour Court.

9. With the aforesaid directions, the instant appeal shall stand disposed.

10. In view of disposal of the appeal itself, the connected application being CAN 1 of 2021 shall also stand disposed of.

11. There will be no order as to costs.

12. 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.)

(Ajay Kumar Gupta, J.)

