

M/L 503
02.08.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

RVW 79 of 2022

With
CAN 1 of 2022

Panchanan Khan
Versus
Visva Bharati & Ors.

Mr. Anjan Bhattacharya
Ms. Anita Shaw

... For the petitioner.

Mr. Victor Chatterjee
.... For the respondents

1. Affidavit-in-opposition filed in Court today on behalf of the respondents is taken on record.
2. The present review petition has been filed seeking review of the order dated 24th January, 2022, passed in WPA 15923 of 2021.
3. Mr. Bhattacharya, learned advocate appearing on behalf of the petitioner would submit that the Hon'ble Court had been pleased to dismiss the writ petition, inter alia, on the ground that the petitioner had invoked and set the alternative dispute redressal mechanism in motion, for redressal of his grievances by making a representation to the office of the Deputy Chief Labour Commissioner (Central). By placing before this Court the communication dated 7th February, 2022, issued by Regional

Labour Commissioner (Central) it is submitted that the complaint filed by the petitioner has been closed and as such the petitioner has been rendered remediless. It is in the facts as stated above, he prays for review of the order.

4. Mr. Chatterjee, learned advocate appearing on behalf of the respondents would submit that simply because the complaint filed by the petitioner has been closed, the same does not debar the petitioner from applying before the Labour Court/Tribunal. By drawing attention of this Court to the provisions of Section 2A(2) of the Industrial Disputes Act, 1947 (hereinafter referred to as the said Act), it is submitted that dismissal of an workman is deemed to be an industrial dispute within the meaning of the said Act. Admittedly, the petitioner is a workman and, as such, simply because the complaint filed by the petitioner has been closed that does not prevent the petitioner from approaching the Labour Court/Tribunal. Nothing has been placed before this Court for allowing review of the order dated 24th January, 2022.

5. Having heard the learned advocates appearing for the respective parties and having considered the materials on record, I find that the petitioner has

failed to identify any valid grounds for review.

6. The document dated 7th February, 2022 disclosed by the petitioner is a document which has come into existence subsequent to passing of the order under review.
7. It would be apparent and clear from the provisions of Section 2A(2) of the said Act that dismissal of an individual workman is deemed to be an industrial dispute and as such, the petitioner is at liberty to invoke the remedy available thereunder.
8. Admittedly, the writ petition had been dismissed on the ground of availability of alternative remedy without there being any decision on merit. No case for review has been made out. I do not find any reason to allow the review petition.
9. The review petition, being RVW 79 of 2022 along with the connected application, being CAN 1 of 2022 stands dismissed without any order as to costs.

(Raja Basu Chowdhury, J.)