

28. 03. 2024

BP
Sl. 1
Court No. 23

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 16368 of 2004
With
CAN 1 of 2004 (Old No. CAN 8699 of 2004)
CAN 2 of 2024

M/s. Jayashree Insulators
Vs.
Fourth Industrial Tribunal & Ors.

Mr. Ranjay De
Mr. Basabjit Banerjee
Mr. Adityajit Abel Bose
..for the petitioner

Affidavit of service filed in court today is taken on record.

The respondents remain unrepresented. However, as it is submitted by the petitioner that the matter has been settled, the same is taken up in the absence of the respondents.

In this writ petition which was filed sometimes in September, 2004 an award dated 22nd July, 2004 was under challenge. During the pendency of the writ petition the respondent no.3, the workman was reinstated in service. Subsequently the workman met with an accident on 1st February, 2019 while he was working in the company as a result whereof he could not attend the work

between 2nd February, 2019 and 30th August, 2019. It is also the case of the workman that when he went to join on 31st August, 2019 the employer refused to allow him to work. The workman then made a representation which culminated into an industrial dispute and was resolved by an award published on 23rd August, 2023. In the award it has been recorded that after the evidence was over the employer and the employee entered into a settlement between them under which the respondent no.3 agreed to receive a sum of Rs. 8,98,847/- towards full and final settlement of all his dues and/or claim as against the employer. The settlement was recorded in the award published on 23rd August, 2023 and the industrial dispute was set to rest by the settlement award published on 23rd August, 2023.

The employer being the petitioner in the writ petition has filed this application seeking disposal of the writ petition in view of the settlement arrived at between the employer and the employee as recorded in the award dated 23rd August, 2023. A copy of the memorandum of settlement is also annexed to the application being CAN 2 of 2024.

After considering the award and the memorandum of settlement, I find no reason to keep the writ petition pending as the issues involved in the writ

petition are no more alive for adjudication after the settlement.

In the aforesaid facts and circumstances, the writ petition along with all pending applications including CAN 2 of 2024 is disposed of recording the settlement in terms of the settlement award published on 23rd August, 2023. The writ petition is disposed of accordingly. Interim order, if any, stands discharged.

(Arindam Mukherjee, J.)

