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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 19238 of 2024

Sri Moloy Kumar Paul
Vs.
The Learned Fourth
Industrial Tribunal & Ors.

Mr. B.N. Mukherjee,
Mr. I. Chakraborti,
Ms. Shreyasi Sanyal
...for the writ petitioner

Mr. Ashim Kumar Ganguly,
Ms. Jyotsna Roy Mukherjee
...for the State

The petitioner assails an order dated December 19, 2023.

Briefly, the grievance of the petitioner is directed against a mis-description in the final award dated June 07, 2022 passed by the Fourth Industrial Tribunal.

It is submitted on behalf of the petitioner that there is an inadvertent and bonafide mis-description insofar as the name of the subject hotel is concerned. Instead of Kolkata Hotel Limited, having its office at 28, Jessore Road, NSCB, Kolkata-700 052, the subject hotel has been described as M/s. Hotel Airport Ashok, which was admittedly not in existence at the relevant point of time. In view of the typographical error, the petitioner had filed a prior application before the

Tribunal, wherein by an order dated August 28, 2023 the Tribunal had allowed the prayer of the petitioner and made necessary corrections by incorporating the name of Kolkata Hotel Limited. However, the name of MDB Airport Hotel had inadvertently been recorded in the order dated August 28, 2023. As such, the petitioner was compelled to file a second application for correction of the order dated August 28, 2023 which was dismissed by the impugned order dated December 19, 2023 on the ground that the Tribunal was *functus officio* and had no jurisdiction to pass any order for correction.

The State is represented and submits that they have no objection in the correction being allowed inasmuch as the same is a *bona fide* typographical mis-description and does not prejudice the rights of any of the parties.

In view of the submissions made on behalf of the parties, the impugned order is set aside. The order dated August 28, 2023 passed by the Fourth Industrial Tribunal in Case No. VIII-58/2000 stands corrected by deleting the name of ‘*MDB Airport Hotel*’, in the order dated August 28, 2023.

With the above directions, W.P.A. No. 19238 of 2024 stands disposed of.

There shall, however, be no order as to costs.

Urgent Photostat certified copies of the order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Ravi Krishan Kapur, J.)