

D/L.3.
August 7, 2024.
MNS.

WPA No. 19539 of 2024

Exide Industries Limited Permanent
Mazdoor Morcha (Shyamnagar) and
Another
Vs.

Registrar of Trade Unions and Others

Mr. Soumya Majumder,
Mr. Rohit Banerjee,
Ms. Kanchan Jaju

... for the petitioners.

Mr. Susovan Sengupta,
Mr. Subir Pal

...for the State.

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

...for the Exide Industries Limited.

Mr. Shiv Shankar Banerjee,
Mr. Sauradeep Dutta,
Mr. Nilarnab Paul

...for the respondent No. 6.

The grievance of the petitioner is directed
against an order dated July 12, 2024 passed by
the 2nd Industrial Tribunal, Kolkata, being the
respondent No. 7.

It is submitted on behalf of the petitioners
that the impugned order has been passed in
violation of the principles of natural justice. It is
also alleged on behalf of the petitioners that in
passing the impugned order, the respondent No.
7 has proceeded mechanically and without any

appreciation of the facts and circumstances of the case. The impugned order has been passed only on preliminary point of maintainability and without hearing any of the parties. It is further alleged that the impugned order has been passed in a preconceived manner. The petitioners also raise serious allegations of bias and violation of the principles of fairness in passing the impugned order by the respondent No. 7.

Mr. Sengupta, Advocate appearing on behalf of the State respondents fairly submits that the matter be remitted back to the respondent No. 7 for hearing afresh both on the maintainability and on merits. It is also submitted on behalf of the State that due opportunity would be granted to the petitioners and the matter would be decided after following all procedural norms and the principles of natural justice. It is also fairly submitted on behalf of the State that Section 80 of the Code of Civil Procedure has no applicability whatsoever in the facts of the case and the impugned order is *ex facie* perverse on that ground alone.

In view of the submissions made on behalf of the State, the impugned order dated July 12, 2024 passed in Case No. 01 of 2024 is set aside.

It is made clear that there has been no observation on the merits of the case.

The issue of bias of the respondent No. 7 is also not gone into. All issues are left open to be decided at an appropriate stage.

The name of the respondent No. 2, Exide Industries Limited, stands deleted from the records of this proceedings both before the Tribunal in Case No. 1 of 2024 as well as before this Court. Similarly the name of respondent No. 6, Exide Sramik Union (Shyamnagar), shall continue to remain added as a party respondent.

With the above observations, WPA No. 19539 of 2024 stands disposed of.

(Ravi Krishan Kapur, J.)