

02-01-2024
ct no. 13
Sl.260
sp

WPA 21556 of 2022

Kajaria Yarns & Twines Ltd. Employees Union & Ors.
-Versus-

The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Badrul Karim,
Mr. Kiron Sk.

...for the petitioners

Ms. Amrita Pandey

...for the respondent nos. 9 and 10

1. The short question that comes for consideration is as to whether the 'suspension of work' consequent upon the shifting of the factory of the respondent no. 9, Kajaria Yarns & Twines Limited from Shibpur to Howrah, is legal or not.
2. Three registered Trade Unions of the company have opposed such shifting. The issue was referred to the Assistant Labour Commissioner for conciliation under the provisions of the Industrial Disputes Act, 1947.
3. The Deputy Labour Commissioner has submitted a report dated 18.01.2021, which is taken on record. Copy whereof has been produced before this Court by the company.

4. The Deputy Labour Commissioner has recorded that the Special Secretary, Labour Department, Government of West Bengal has recognized the de-registration of the factory at Shibpur by the Chief Inspector of Factories, Government of West Bengal.
5. The employees have been asked to report for duty at Barshul, Shaktigarh, Burdwan within 15 days from issue of notice. None of the workmen turned up at Barshul as on January 5, 2021.
6. The DLC has found that the issue of suspension of work has lost merit. The reference was found to have become infructuous.
7. The company appears to have received notice for payment of statutory dues of some workmen, the same may be dealt with in accordance with law before the appropriate authority.
8. Learned counsel for the company submits that those employees who have not reported for work at Barshul, have been offered and tendered their dues.
9. In view of the above, this Court notes that the writ petition has since become infructuous, any dues of any individual

workman, statutory or otherwise may be pursued in accordance with law before the appropriate authorities under the relevant statute.

10. With the aforesaid observations, the instant writ petition shall stand disposed of.
11. In view of the above, all applications, if any, shall also stand disposed of.
12. All remedies, if any, under the law available to the petitioner are deemed to be kept open.
13. There shall be no order as to costs.
14. Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)