

27-11-2024
ct no. 13
Sl. 6
sp

MAT 1827 of 2023

With

CAN 1 of 2023

Surendra Prasad

-Versus-

M/s. Hooghly Infrastructure Pvt. Ltd. & Anr.

Mr. Rajaneesh Guha Thakurata,
Ms. Senjuti Sengupta,
Ms. Dipa Roy

...for the appellant

Mr. Soumya Majumder,
Mr. S.K. Singh,
Mr. R.K. Dubey

..for the respondent no. 1

CAN 1 of 2023

1. CAN 1 of 2023 has been filed seeking condonation of delay of 25 days in filing the instant appeal.

2. Sufficient grounds have been made out in the instant application explaining such delay. Hence, the delay is condoned.

3. Accordingly, CAN 1 of 2023 is allowed and disposed of.

MAT 1827 of 2023

4. The appellant challenges a judgment and order dated 14th July, 2023 passed by a Single Bench of this Court.

5. By the said judgment, an interim relief was granted to the workman on an application under Section 17B of the Industrial Disputes Act, 1947. He would be paid his last drawn wages, from the date of publication of the award, i.e., 3rd January, 2023 till the disposal of the writ petition or until further order, whichever is earlier.
6. Mr. Rajaneesh Guha Thakurata, learned counsel for the appellant/workman, would place paragraphs 13 and 14 of the said decision of the Single Bench, which appears to this Court to be a reproduction of the observations of the Supreme Court in the case of ***Regional Authority, Dena Bank Vs. Ghanshyam*** reported in ***2001 Lab IC 2069***, particularly paragraph nos. 9 and 10 thereof.
7. It appears to this Court that the benefit under Section 17B of the Industrial Disputes Act, 1947, during pendency of a challenge to an award by the employer in case of reinstatement, should follow from the date of its award itself. Yet at paragraph no. 16 of the impugned order, the learned Single Bench appears to have ordered benefit of Section

17B from the date of publication of the award and not from the date of award.

8. This Court is of the view that the appellant ought to have sought clarification from the learned Single Bench and is hereby permitted to do so as regards the above.
9. After such clarification and, if necessary, the appellant shall be able to revive the instant appeal, which is disposed of.
10. With the aforesaid observations, MAT 1827 of 2023 shall stand disposed of.
11. There shall be no order as to costs.
12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)