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31.07.2024
Ct. No.02
NB

HIGH COURT AT CALCUTTA
In The Circuit Bench At Jalpaiguri
Appellate Jurisdiction

WPA 681 of 2024

Dipul Barua
Vs.
The State of West Bengal & Ors.

Mr. Masum Ali Sardar.
...for the petitioner.

Mr. Hirak Barman,
Mr. Kumar Shantanu.
...for the State.

Supplementary affidavit filed on behalf of the petitioner is taken on record.

Leave is granted to correct the WPA number contained in the first page of the supplementary affidavit.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was a workman who was illegally retrenched. He prayed for conciliation before the appropriate authority. The same failed. However, it was only during the pendency of the writ petition that the concerned authority made a reference by its order dated 19.06.2024. Unfortunately, the reference has been made beyond the time limit of 45 days. However, the petitioner also has an additional right to approach the Industrial Tribunal directly as per Section 2A of the Industrial Disputes Act.

Learned counsel appearing on behalf of the State submits that Section 2A gives a right to the petitioner to approach the Industrial Tribunal directly when it is an individual dispute of a workman. The petitioner can fairly take the said route.

It appears that during pendency of the writ petition, reference has been made.

In view of the additional opportunity granted by the Statute, the petitioner is at liberty to approach the Industrial Tribunal directly in terms of Section 2A of the Industrial Disputes Act.

Therefore, delay in making the reference should not come in the way of the petitioner in approaching the Industrial Tribunal with his grievance. The petitioner shall be at liberty to take either route to vent his grievances.

As such, no further order need be passed in this regard.

With the above observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)