

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/91/2024
SRI SUKHENDU SARKAR
-VS-
THE UNION OF INDIA AND OTHERS

BEFORE:
The Hon'ble JUSTICE RAJASEKHAR MANTHA
Date : 7th March, 2024.

Appearance :
Mr. A.K. Ghosh, Adv.; Ms. A. Chakraborty, Adv.; Mr. R. Ghosh, Adv.
Mr. A. Banerjee, Adv.; Mr. R. Raj, Adv.; Ms. V. Bhotika, Adv.
Mr. P. Sinha Roy, Adv.; Mr. B. Ghosal, Adv.

The Court: 1. The petitioner is a lower division clerk and seeks enforcement of the settlement of wage revision and retirement benefits and conditions of service of the port and dock workers at the major ports with effect from 01.01.1997.

2. The petitioner, apart from other issues, claims other financial benefits like higher pay scale and other benefits of ACP and also seeks reimbursement of medical expenses incurred by him for his wife's treatment.

3. The power to enforce a settlement arrived at under the provisions of the Industrial Disputes Act remains with the authorities under the said Act. Admittedly, the petitioner is an LDC and hence a workman within the meaning of the said Act.

4. Apart from the above, it also appears that the settlement dated 01.01.1997 is pending reconsideration between the workman and the management of the Dock Labour Board. The Act of 1947 provides for remedies for either enforcement of settlement or to facilitate the settlement modified or otherwise between the employer and the workman.

5. The counsel for the Indian Institute of Foreign Trade submits that his client was only acting in an advisory capacity with Calcutta Dock Labour Board. In so far as the wage structure, salaries of the workmen are concerned, he is neither an employer nor in any way bound by the settlement between the workman and the Labour Board and its management.

6. In that view of the matter, reserving liberty to the petitioner to approach the authorities under the Industrial Disputes Act, the writ petition is disposed of without any order to costs.

(RAJASEKHAR MANTHA, J.)

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