

OD-3

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APO/119/2023
WITH
WPO/188/2020

TATA CONSULTANCY SERVICES LTD.
VS
JYOTIRMOY MUKHOPADHYAY AND ANR

BEFORE :

THE HON'BLE JUSTICE SURYA PRAKASH KESARWANI

And

THE HON'BLE JUSTICE RAJARSHI BHARADWAJ

Date : 19th January, 2024.

Appearance:

Mr. Ranjay De, Adv.

Mr. Basabjit Banerjee, Adv.

Mr. A. A. Bose, Adv.

...For the Appellant

Mr. Arka Maiti, Adv.

Mr. Aniruddha Singh, Adv.

Mr. Siddhartha Ghosh, Adv.

Mr. Bibaswan Mukherjee, Adv.

...For the Respondent No.1

1. Heard Mr. Ranjay De, learned Counsel for the appellant and Mr. Arka Maiti, learned Counsel for the respondent.
2. This writ appeal has been filed praying to quash the interim order No.61 dated 27-11-2019 passed by the 7th Industrial Tribunal Kolkata in case No.03/2A(2)/14 under Section 15(2)(b) of the Industrial Disputes Act, 1947 as amended in West Bengal. It is admitted by learned Counsel for the parties that the case pending

before the Tribunal is yet to be decided on merit under Section 15(2)(a) of the Industrial Disputes Act, 1947.

3. Considering the facts and circumstances of the case and with the consent of learned Counsels for the parties, and without expressing any opinion on merits, we find it appropriate to dispose of this writ appeal with the following directions:

- (a) The concerned Industrial Tribunal shall decide the case on merit pending before it, after affording reasonable opportunity of hearing to both the parties, expeditiously preferably within two months from the date of production of certified copy of this order before it.
- (b) While deciding the matter on merit, the Tribunal shall not be influenced by any of the observations made in the body of the interim order dated 27-11-2019 or the order passed in WPO No. 188 of 2020.
- (c) Both the parties to the proceedings pending before the Tribunal, shall be at liberty to raise all points as may be available to them under law.

4. With the aforesaid directions, the writ appeal is disposed of. It is made clear that we have not expressed any opinion on merits of the case of either of the parties.

5. Any amount deposited by the appellant pursuant to the order dated 22nd March, 2023 in WPO No.188 of 2020, in this Court shall remain subject to the final decision of the Tribunal.

(SURYA PRAKASH KESARWANI, J.)

(RAJARSHI BHARADWAJ, J.)

S.De/mg