

ORDER

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION

ORIGINAL SIDE

APOT/370/2024
IA NO:GA/1/2024

ALL BENGAL TRINAMOOOL JUTE AND TEXTILE WORKERS UNION
VERSUS
UNION OF INDIA THROUGH THE JUTE COMMISSIONER
MINS OF TEXTILES AND ORS.

BEFORE :

THE HON'BLE CHIEF JUSTICE T. S. SIVAGNANAM

AND

THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 27TH NOVEMBER, 2024.

Appearance:

Mr. Jayanta Kr. Mitra, Sr. Advocate
Mr. Probal Mr. Mukherjee, Sr. Advocate
Mr. Deepan Sarkar, Advocate
Mr. Arnab Sardar, Advocate
..for Appellant
Mr. Rajdeep Mazumder, Sr. Advocate
Ld. Dy. Solicitor General of India
Mr. Moyukh Mukherjee, Advocate
...for Respondent no.1
Mr. Abhrajit Mitra, Sr. Advocate (VC)
Ms. Rajshree Kajaria, Advocate
Mr. Sarvapriya Mukherjee, Advocate
Mr. Satadedep Bhattacharyya, Advocate
...for Respondent no.6

The Court : We have heard Mr. Jayanta Kumar Mitra, learned senior Advocate, Mr. Abhrajit Mitra, senior Advocate, Mr. Rajdeep Majumder, senior Advocate and Mr. Swapanadeb Bhattacharjee, Advocate.

This intra-court appeal by the writ petitioner is directed against the order dated 1st October, 2024 in WPO/774/2024. After elaborately hearing the learned senior Advocates for the appellant and the other learned Counsel for the respondents, we are of the view that the order and directions issued by the learned single Judge is just and proper and does not call for any interference. We substantiate the above conclusion with the following reasons:

Firstly, the prayer sought for in the writ petition is to command the Labour Department, Government of West Bengal to immediately take action including prosecution or arrest for non-payment of wages as per Industrywide Tripartite Agreement dated 3rd January, 2024. This agreement was signed by all the trade unions representing the workmen of various jute mills in the presence of the Additional Labour Commissioner, Labour Directorate, West Bengal. Thus, the settlement is clearly a settlement within the ambit of Section 12(3) of the Industrial Disputes Act, 1956. Therefore, the prayer sought for to command the Labour Department to take action for prosecution may not auger well as the Industrial Disputes Act provides for adequate remedy in cases where there is an allegation of violation of the terms of settlement either under section 12(3) or under Section 18(1) of the Act.

The second prayer sought for in the writ petition is to command the Jute Commissioner to immediately stop issuance of Production Control Supply Order to the jute mills which are not implementing the provisions of the Jute Packaging Materials (Compulsory Use in Packaging Commodities) Act, 1987.

In our considered view this prayer can hardly be of any relevance to the grievance expressed by the writ petitioner trade union namely non-payment of the agreed wages in terms of the settlement dated 3rd January, 2024.

Be that as it may, the provisions of the Jute Packaging Materials (Compulsory Use in Packaging Commodities) Act, 1987 concern, the use of jute materials for the purpose of packing agriculture produce. So far as the Production Control Supply Order is concerned, it has been framed under the provisions of the Essential Commodities Act and can have no relevance to the subject grievance.

No doubt it is true, in the Production Control Supply Order in S. O. No. 5459(E) dated 26th December, 2023, there are two clauses which state that jute mills benefiting from the arrangement under the Production Control Supply Order are required to implement the relevant provision of labour laws and regulations. Similarly, there is another clause which says that the statutory dues to the jute workers have to be promptly paid. The Production Control Supply Order does not state as to what will be the action to be taken in the event of a default. Therefore, it, prima facie, appears that those are

adversary in nature bearing in mind that payment of adequate wages and prompt payment of wages is a requirement under the various labour statutes.

Therefore, we are of the view that the learned single Judge was fully justified in leaving it open to the Jute Commissioner to deal with the report filed by the State Government as he deems fit and necessary and express his views to the State Government upon hearing the State Government and errant mill owners.

As observed above, the settlement being one entered into in terms of the provisions of the Industrial Disputes Act, it will be well open to the appellant-union to avail its remedy available under the provisions of the said Act or any other enactment which is in vogue in the State of West Bengal.

The appeal and the application are dismissed with the above observations.

(T. S. SIVAGNANAM, C.J.)

(HIRANMAY BHATTACHARYYA, J.)