

26.08.2025
Ct. No. 30
S.L. No.13
SM

WPA 7347 of 2012
Shree Apartment Flat Owners Association & Anr.
Versus
State of West Bengal & Ors.

Mr. Partha Bhanja Choudhury

Mr. Sujit Kr. Sharma

Mr. S.K. Singh

.....for the petitioners

Mr. Bipin Ghosh

.....for the State

1. The writ application has been preferred challenging an order No. 5 dated 14.3.2012 passed by Learned 7th Industrial Tribunal, Government of West Bengal, in Case No. 04/2A(2)/2011, passed under Section 2A(2) of the Industrial Disputes Act, 1947 (being Annexure P-9) by the Respondent No. 2.

2. Learned counsel for the petitioner submits that the said order under challenge is not in accordance with law in view of notification no. 101-IR dated 2nd February, 2012 wherein it is the 2nd Industrial Tribunal who has been vested with the powers to decide the cases related to the District of Howrah.

3. It is submitted that the learned Judge, 7th Industrial Tribunal, West Bengal acted beyond his powers to decide the case.

4. It appears from the order under challenge, that the learned Judge, 7th Industrial

Tribunal in his order under challenge has held as follows.

“Therefore, before the notification dt. 02.02.12 came into force, an individual workman might file application in any of the seven Industrial Tribunals at Kolkata.

If an individual workman would not get right to avail of the substantive right conferred under section 2A(2) of the Act as above, the legislative intention and the desire of the Hon'ble Apex Court would have been otiose.

Therefore, before Government Notification dt. 02.02.12 came into force, the workman had right to file the case in the Tribunal of his choice.

In the result, this Tribunal has territorial jurisdiction to adjudicate the dispute as raised by the workman.

In the result, the application filed by the company challenging the territorial jurisdiction of this Tribunal is dismissed on contest. No order as to cost.

Fix 17.4.12 for filing Written statement against the application and filing Written Objection against the application U/s. 15(2)(b) by the Company.”

Sd/-
Judge
7th Industrial Tribunal

5. On hearing the learned counsels for the petitioner and on perusal of the order under challenge, this Court finds that the learned Judge, 7th Industrial Tribunal has passed an order which is in accordance with law.

6. Considering the fact that admittedly the notification vesting power in favour of the specified Courts is dated 2nd February, 2012, and the application in case no. 04/2AA(2)/2011 pending before the 7th Industrial Tribunal was filed in the year 2011, the 7th Industrial Tribunal has the power to decide the said case in accordance with law.

7. Thus, the order under challenge being in accordance with law requires no interference by this Court.

8. Writ application is dismissed.

9. The learned 7th Industrial Tribunal to proceed with the case expeditiously and make all endeavour to dispose of the case preferably within 6 months from the date of this order, considering that the case relates to the year 2011.

10. Applications, if any, connected thereto stand disposed of consequently.

11. Interim order, if any, stands vacated.

12. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]