

20.02.2025
Item No.3
BR

WPA 25349 of 2024
Howrah Metal and Engineering Workers
Union and another

-vs-

The Secretary, Labour Department,
Govt. of West Bengal and ors.

Mr. Swarup Paul,
Mr. Guru Suday Dutta,
Mr. A.Roy

.... For the petitioners

Mr. Somnath Ganguli, Ld. AGP,
Ms. Kalpita Paul

.... For the State

Mr. Jayanta Dasgupta,
Mr. Rananeesh Guha Thakurata
... for the respondent nos. 4 and 5

Affidavit of service filed by the petitioner
be kept with the record.

The present writ application has been
preferred against order dated 17.5.2023
and order dated 9.11.2023 passed by the
learned Judge, 2nd Industrial Tribunal,
Kolkata.

Vide the order dated 17.5.2023, the
tribunal gave sufficient opportunity to the
petitioner to appear for hearing in the case

and after waiting for almost seven months was compelled to dismiss the case for default. The case being of the year 2022 and there was severe laches on the part of the petitioner in appearing for the hearing.

The petitioner then preferred an application on 25.7.2023 praying for recalling of the order dated 17.5.2023. The said prayer was made after about two months from the date of dismissal.

By the said petition dated 25.7.2023 the petitioner prayed for recalling of the order of dismissal of default and prayed for hearing of the case on merit.

Being dissatisfied with the grounds as made out the tribunal rejected the application for recall of the order.

Hence the writ application.

On hearing the learned counsels for the petitioners, respondents and the State, it appears that the said case before the Industrial Tribunal was not disposed of but on merit was dismissed for default.

As a reference had been made to the Tribunal, the same is required to be heard on merit in the interest of justice.

But considering the conduct of the petitioners the orders dated 17.5.2023 and 9.11.2023 are hereby recalled with cost of Rs. 10,000/- to be paid to the State Legal Services Authority, West Bengal within a

period of seven days from the date of this order and on deposit of cost the case shall be restored to its own file, which the learned Judge shall make all endeavour to dispose of within 60 days thereof without granting any unnecessary adjournments to either of the parties.

It is clarified that in case cost is not deposited the orders challenged shall remain in force.

WPA 25349 of 2024 is accordingly disposed of.

Parties to act on the server copy of this order.

Urgent photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Shampa Dutt (Paul), J.)