

16.06.2023
DL-30
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 27135 of 2015

Sharp Ferro Alloys Limited
Vs.
The State of West Bengal & Ors.

Mr. Subrata Bhattacharyya
.....for the petitioner.
Mr. Krishnendu Banerjee,
Mr. Md. Edrish
.....for the respondent no.3.
Mr. Kuntal Banerjee
.....for the respondent no.5.

The employer has filed the instant writ petition challenging the award dated September 14, 2015 passed by the 9th Industrial Tribunal, Durgapur. The writ petition was dismissed for default on January 14, 2016 by a Coordinate Bench of this Hon'ble Court. the same was restored by this Court on November 25, 2022.

Mr. Bhattacharyya, learned counsel appearing on behalf of the petitioner submits that the writ petitioner was a contractual employee and could not come under the definition of "workman" as defined by the Industrial Disputes Act, 1947.

In view of the delay in restoring the writ petition, this Court is of the view that no interim order can be granted at this stage.

Let an affidavit-in-opposition be filed within 4 weeks from date. Reply, if any, by two weeks thereafter.

Parties will be at liberty to mention the matter for “Hearing” upon completion of the period stipulated for exchange of affidavits.

Needless to mention that the workman/respondent no.3 will be at liberty to pursue any steps in accordance with law, if so advised.

All parties shall act on the server copies of this order duly downloaded from the official *Website* of this Hon’ble Court.

(Lapita Banerji, J.)