

21.05.2025
Item No.4
Ct. No. 30
Aloke

WPA 29805 of 2024

**M/s. Grasim Industries Ltd. Unit Jaya Shree
Textiles.
Vs
The State of West Bengal & Anr.**

Mr. Soumya Majumder, Sr. Adv.
Mr. Balaram Patra
Mr. Suvodip Bhattacharjee
..... For the Petitioner

Mr. Balai Chandra Paul
Ms. Tithi Roy
..... For the Respondent No. 2

Mr. Jahar Lal De, AGP
Mr. Shamim-Ul-Bari
..... For the State

1. The present writ application has been preferred challenging the orders dated 22nd July, 2024 and 4th October, 2024 passed by the learned 3rd Industrial Tribunal, West Bengal and all further proceeding in connection with Case No. 25 of 2024 under Section 10 of the Industrial Disputes Act, 1947.
2. Vide the order dated 22nd July, 2024 the learned Tribunal has directed the learned Advocate appearing in the case to file valid vakalatnama duly executed by the competent authority. An application was then filed by the concerned advocate before the Tribunal praying for recall/review of the said order.

3. The Tribunal vide its order dated 04.10.2024 considering the application and on taking exception against the learned lawyer Mr. Suvodip Bhattacharjee, passed the order under challenge dated 04.10.2024. It has been challenged before this Court.
4. The Tribunal took strong exception to the statements made in the application praying for recall and review.
5. On perusal of the application for recall and review made by the learned Advocate it appears that the same has been made in the form as in the case of an appeal. The grounds as made out in the application for review is in the language as used in a memo of appeal.
6. Be that as it may, the Tribunal has taken strong exception and passing an order has rejected the application under Section 11 of the Industrial Disputes Act and imposed cost of Rs.20,000/- upon the company who was being represented by Mr. Bhattacharya.
7. **Mr. Soumya Majumder, learned senior counsel appearing for the petitioner** has placed Rule 78A of the West Bengal Industrial Disputes Act which relates to **authorization of representative of parties in proceeding before the Labour Courts and Industrial Tribunal.**

8. Rule 78A of the West Bengal Industrial

Disputes Act reads as follows:-

“78A. Authorisation of representatives of parties.-

(1)The authority to be given by the workman under clause (c) of sub-section (1) of section 36 shall be in Form R. Such authority shall be signed by the workman concerned.

(2)The authority to be given by an employer under clause (c) of sub section (2) of section 36 shall be in Form “R-1”. Such authority shall be signed by the employer or when the employer is an incorporated company by the agent, manager or any other principal officer of such company or body corporate.

(3)The authorisation filed under sub-rule (1) or sub-rule (2) shall be accepted by the authority concerned by making an endorsement to that effect on the body of the Form ‘R’ or Form ‘R-1’, as the case may be, on being satisfied that the person seeking to represent a party is acting bona fide.

(4)Before accepting any authorisation filed in Form ‘R’ or Form ‘R-1’ the authority concerned may call for such information as it may deem necessary for its satisfaction, and may refuse to accept such authorisation if it has reasons to believe that it was obtained by unfair means.

(5)A party appearing by a representative shall be bound by the acts of that representative.”

9. Considering the said provision of law and the materials on record and the order under challenge being orders dated 22nd July, 2024 and 4th October, 2024 passed by the learned 3rd Industrial Tribunal, West Bengal, the order dated 4th October, 2024 is **modified** to the extent **that the petitioner shall be at liberty**

to file their authorization as per Rule 78A of the West Bengal Industrial Disputes Act.

10. The order as to imposing cost on the petitioner is hereby **set aside**, being not justified in view of the observations made earlier in this order. Regarding the applicability of Section 11 of the Industrial Disputes Act, this Court directs the learned Tribunal to proceed as per the relevant provision in accordance with law, expeditiously.

11. WPA 29805 of 2024 stands disposed of.

12. There will be no order as to costs.

13. All connected applications, if any, stand disposed of.

14. Interim order, if any, stands vacated.

15. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after due compliance.

(Shampa Dutt (Paul), J.)