

17.04.2026.
Item No. 10.
Court No. 13
ap

F.M.A. No. 389 of 2026
With
I.A. No. CAN 2 of 2026

The Shyama Prasad Mookerjee Port, Kolkata
Versus
The Calcutta Port Trust Worker's Union & Ors.

Mr. Kishore Datta,
Mr. Ashok Kumar Jena.

...For the appellant.

Mr. Supriyo Chattopadhyay,
Ms. Debosri Chatterjee.

...For the respondent/writ petitioner.

1. The instant intra court appeal is directed against an order dated 24th September, 2025 passed by a learned Single Judge of this Court in W.P.A 22109 of 2025.
2. The subject matter of the writ petition was an order dated 8th April, 2024 whereby a reference dated 13th November, 2002 was dismissed by the Tribunal as a 'No Dispute Award'.
3. It appears from the records that the original applicant was the Calcutta Port & Shore Mazdoor Union & Haldia Dock Complex. They were absent and/or unrepresented before the Tribunal from 22nd April, 2019 till 23rd June, 2023.
4. In the meantime, the original Union that was part of the reference, approached the Hon'ble Supreme Court of India in Misc. Appeal No. 1500 of 2021, Misc. Appeal No. 170 of 2021 and Misc. Appeal No. 2755 of 2018 arising out of W.P.(C) No. 370 of 2015 for being

substituted in place of the respondent Union. The Hon'ble Supreme Court of India directed the Tribunal to dispose of the application of the Contractor's Union for intervention in place and stead of the original Union. The said application was taken up by the Central Government Industrial Tribunal and was dismissed on 23rd June, 2023, inter alia, on the ground of fraud.

5. Thereafter, another Union sought intervention in the reference and wanted to represent the workmen of the Labour Union at whose instance the Central Government had made reference in the year 2003 in the first place.

6. Upon the application being rejected, the matter was carried to this Court. A Single Bench of this Court dismissed the said writ petition. Subsequently, another Union, namely, Haldia Dock Complex Contractor's Union sought to appear before the Tribunal and wanted to espouse the cause of the workmen in the reference.

7. A fresh opportunity and notice was issued to the original respondent Union to appear and contest the reference. The said original Trade Union thereafter was absent more than five several dates fixed for appearance. Even on the date when the impugned order dated 8th April, 2024 was passed, the Calcutta Port Trust Workers' Union was not represented.

8. It is essentially in this backdrop that Reference Case No. 7 of 2003 that was pending for more than 21 years was dismissed and a 'no dispute award' was passed by the Tribunal. It is necessary to mention here that the Management of the Port Trust, which is now called Shyama Prasad Mookerjee Port was represented on each and every date before the Tribunal.

9. This Court finds gross unexplained negligence on the part of the respondent Union in not being represented before the Tribunal for a period of 4-5 years.

10. It could easily be inferred that the Union and its members, that was named in the reference, lost interest in the matter. The explanation offered by the learned Counsel for the respondent Union today is that their President, who was pursuing the matter initially, had died. A Workmen Union comprises of several office bearers. The Union represents in the interest of the workmen.

11. It is difficult for this Court to believe that none of the office bearers were available or not functional after the death of the President. The Labour Union often quickly elects a representative to replace the deceased office bearer.

12. In the facts and circumstances as aforesaid, this Court is of the clear and unequivocal view that the Calcutta Port Trust Workers' Union has abandoned

the reference made atleast 23 years ago by the Central Government.

13. The learned Single Judge is, therefore, committed error and showed misplaced sympathy for the Workers' Union, who had clearly abandoned the reference.

14. The impugned order dated 24th September, 2025 shall stand set aside. W.P.A. 22109 of 2025 shall also stand dismissed.

15. The order of the Tribunal dated 8th April, 2024 passed in Reference Case No. 7 of 2003 calls for no interference and is, therefore, upheld.

16. F.M.A. 389 of 2026 is allowed and disposed of.

17. In view of disposal of the appeal itself, the connected application being CAN 2 of 2026 is also disposed of.

18. There will be no order as to costs.

19. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)