

23.06.2026
Item no. 10
Court no. 30
g.b.
266012

WPA 12477 of 2026

**M/S Macmet Engineering Ltd.
Vs.
The State of West Bengal & Ors.**

Ms. Debanwita Pramanik
..... For the Petitioner
Mr. Ranjan Kali
Mr. Suresh Kumar Saho
....For the Respondent Nos. 3, 5 & 6
Mrs. Soma Chakraborty
Mr. Kaustav Seal
Mr. Saikat Koley
.....For the State

1. Affidavit of service filed be kept with the record.
2. The writ application has been preferred challenging the impugned award dated 13.04.2026 passed by the Learned Judge, 8th Industrial Tribunal in Case No. VIII-69/2014 to the limited extent of setting aside the direction relating to payment of back wages and consequential benefits in favour of the Respondent Nos. 3 to 6, the Learned Tribunal having already held that there was no illegal termination or refusal of employment.
3. On hearing the learned counsels for the parties and on perusal of the impugned award, the relevant extract is reproduced herein:

“The issue to be determined in the present reference is limited to whether workmen were

*illegally terminated. The evidence on record clearly establishes that the workmen were never terminated from service and were merely shifted from one place to another. **There is no question of refusal of employment, in fact, the workmen abandoned their employment and chose not to rejoin the services of the company.***

*The entire proceeding is nothing but an afterthought. **The documentary evidence placed on record unequivocally demonstrates that there is no question of any illegal termination of any employee. On the contrary, the company, on repeated occasions, assured the workmen of protection of their services and from time to time intimated them about the progress of the shifting of the factory, which was admittedly, well within the knowledge of the workmen.***

*In view of the above facts and circumstances I am of the view that the above four workmen Md. Aslam Ali, Shamber Ahmed, Akhtar Ali, and Md. Istekhar **are not illegally terminated w.e.f. 25.01.2011 by the management. Rather they have not complied the direction of the Company to join at Falta from the Bonhooghly although other workman joined there.***

Therefore, it is

ORDERD

*that the Tribunal holds that the **termination** of above four workmen Md. Aslam Ali, Shamsheer Ahmed, Akhtar Ali, and Md. Istekhar with effect from 25.01.2011 by the management **is hereby fully justified & proper**. But the four workmen shall be **entitled to full back wages from the date of termination till the date of Award and shall also be entitled to all consequential benefits**. Accordingly, this case is disposed off on contest and this order is to be treated as an award. Let the necessary number of copies of this judgement and award be sent to the Secretary, to the Government of West Bengal, Labour Department, New Secretariat Buildings, 12th Floor, 1 No. Kiran Shankar Roy Road, Kolkata – 700 001.”*

4. It appears from the said observations and findings and decision of the learned Judge of the 8th Industrial Tribunal, that the award suffers from total contradiction and inconsistencies. There is no findings as to the lawful entitlement of the workman in the present case.

5. The impugned award suffers from inherent illegality and accordingly is set aside, in the interest of justice and also to avoid abuse of the process of law.
6. The impugned award dated 13.04.2026 passed by the Learned Judge, 8th Industrial Tribunal in Case No. VIII-69/2014 is accordingly set aside as a whole and the matter is remanded back to the 8th Industrial Tribunal to hear the argument of the learned counsels for the parties afresh and pass a fresh award in accordance with law considering the materials and evidence already on record within thirty working days from the date of communication of this order.
7. The writ application stands disposed of.
8. Let a copy of this order be sent to the 8th Industrial Tribunal for compliance.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on urgent basis after completion of all necessary formalities.

(Shampa Dutt (Paul), J.)