

06.01.2026
Ct. No. 30
SL No. **9**
MKP

WPA 27290 of 2025

Smt.Arpita Sengupta

Vs.

The Union of India And Ors

Mr. Jagadish Ranjan Das

.....for the Petitioner

Mr. Soumak Bera

.....for the U.O.I.

- 1.** Affidavit of service filed be kept with the record.
- 2.** It appears that the private respondent could not be served as service has returned with the endorsement “left”.
- 3.** The writ application has been preferred praying for quashing and setting aside of the order passed by the Ld. President, Central Government Industrial Tribunal (CGIT) Kolkata, dated 28.02.2024 in Application No.CGIT 08 of 2023 U/s 2A(2) of I.D.Act.
- 4.** It is the case of the petitioner that the tribunal vide the impugned order dated 28th February, 2024 was pleased to hold as follows:

“Mr. Bikramjit Bhattacharya, Ld.

Advocate for C.P.W.D. appears. None

appears from the side of the workman as well as on behalf of the Contractor Employer when the matter is called.

Neither the union nor the workman files show cause as called for.

Therefore, a presumption can be drawn that the workman or the union which has espoused the present dispute, challenging the termination of the service of Smt. Arpita Sengupta, Data Entry Operator, an employee of the contractor, w.e.f. 31-05-2023 is no more interested to pursue with the present disputed u/s 2A of the Industrial Disputes Act.

In view of the above 'No Dispute Award' is passed.

Accordingly, CGIT-08 of 2023 u/s 2A of the Industrial Disputes Act is disposed of.

*(Justice K. D. Bhutia)
Presiding Officer”*

5. Learned Counsel for the employee/petitioner has prayed for setting aside of the said award on the ground that the petitioner was being represented by the Union, who subsequently did not pursue the case and the petitioner was not aware of the same, failed to appear. The Tribunal was thus pleased to pass such an

award and it is submitted that if the said order is permitted to remain, shall cause serious prejudice to the petitioner herein.

- 6.** The proceedings before the Tribunal was an application challenging the petitioner's termination of service who was an employee of the Contractor and the petitioner no.3 being the principle employer.
- 7.** On hearing the parties and on considering the nature of relief prayed for this Court in the interest of justice is of the view that the petitioner should be granted one last opportunity of hearing before the Tribunal.
- 8.** Accordingly, the award dated 28th February, 2024 passed by the Learned Central Government Administrative Tribunal, Kolkata in application no. CGIT 08 of 2023 is hereby set aside in the interest of justice.
- 9.** Application no. CGIT 08 of 2023 U/s 2A(2) of I.D.Act is restored to it's file and number. The petitioner is directed to appear before the CGIT on the next date, when the Tribunal sits at Kolkata, as the Presiding Officer is now in-charge of the CGIT, Kolkata and on making an appearance thereby, shall pray for necessary orders from the Tribunal.

10. The Tribunal shall then proceed in accordance with the law to hear both the parties in due course.

11. Let a copy of this order be sent to the CGTI, Kolkata.

12. The writ application stands **disposed of**.

13. Applications, if any, connected thereto stand disposed of consequently.

14. Interim order, if any, stands vacated.

15. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]