

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Shampa Dutt (Paul)

WPA 6006 of 2009

**Steel Authority of India Limited, IISCO Steel Plant
vs.
State of West Bengal & Ors.**

For the Petitioner : Mr. Lakshmi Kumar Gupta, Sr. Adv.
Mr. Soumya Majumder,
Mr. Bandhu Brata Bhula.

For the Respondent No. 3 : Mr. Bikash Ranjan Neogi,
Ms. Ananya Neogi.

Hearing concluded on : 13.05.2025

Judgment on : 21.05.2025

Shampa Dutt (Paul), J.:

1. The present writ application has been preferred against an award dated 22.12.2008 passed by the learned Ninth Industrial Tribunal at Durgapur, West Bengal.
2. The Tribunal in its award dated 22.12.2008 decided the following reference:-

“1. whether the claim of the union for regularization of services of 24 (twenty four) workmen (vide annexure-1) in the company IISCO Ltd., Burnpur Works, is justified?”

2. what relief, if any, are they entitled to?”

3. And held as follows:-

“Ordered

that the case under reference is allowed on contest. Accordingly, an Award is passed directing the company to regularize the services of the concerned workmen in the company under order of reference Annexure I excepting the names appearing in Sl. No. 4, 7, 9, 12, 13, 14, 15, 16 and 23 with wages and other benefits with effect from the date when the reference has been made before this Tribunal.”

4. The Supreme Court in ***Steel Authority of India Limited vs. Workmen of Steel Authority of India Limited & Anr., Civil Appeal Nos. 902-903 of 2023 (arising out of SLP (C) Nos. 26634-26635 of 2019), decided on February 07, 2023,*** held:-

“13.it is not necessary to regularize the services of the workmen who have died, retired or still in employment and even in the absence of such a status, they shall be entitled to the following service benefits:

- (i) *Pay-scale at par with the employees who are on the roll of the appellant – Authority;*
- (ii) *The benefit of provident fund;*
- (iii) *The benefit under the Gratuity Act;*
- (iv) *The other service benefits including the medical allowance which the appellant – Authority has granted to its employees under the Service Regulations or through administrative decisions from time to time. Such benefits will be admissible from the cut-off date determined by the Tribunal.”*

5. The case of the workmen is that they were appointed in between 30.01.1980 to 27.07.1988 on different dates, initially through contractors. The Tribunal vide order dated 22.12.2008, directed to regularize the services of the concerned workmen.
6. In ***Steel Authority of India Limited (supra)***, the Supreme Court further held:-

“12. The issue whether the workmen were employed by IISCO or they were contractual employees is essentially a question of fact which has been examined in depth by the Tribunal, learned Single Judge as well as the Division Bench of the High Court, holding concurrently that the workmen were actually the employees of the appellant – Authority. Such a finding of fact does not warrant for any interference by this Court.

14. Let the arrears of these benefits be released to the respondent – workmen within four months from the date of receipt of bank account details of the individual employees/their legal heirs. In case the service benefits are released within four months, no interest shall be paid to the respondent – workmen. In case the payments are delayed, the workmen will be entitled for interest at the rate of 7% p.a.”

7. Accordingly, the writ application stands disposed of with the direction that the workmen/represented by the respondent no. 3 (except the workmen) excluded by the tribunal, even in the absence of regular status shall be entitled to -

- (i) Pay-scale at par with the employees who are on the roll of the appellant – Authority;
- (ii) The benefit of provident fund;
- (iii) The benefit under the Gratuity Act;

(iv) The other service benefits including the medical allowance which the appellant – Authority has granted to its employees under the Service Regulations or through administrative decisions from time to time. Such benefits will be admissible from the cut-off date determined by the Tribunal. ***(Steel Authority of India Limited (supra))***

8. Thus, the order under challenge being Case No. X-3/2004 passed by the Judge, learned Ninth Industrial Tribunal at Durgapur **stands modified accordingly.**
9. **WPA 6006 of 2009 stands disposed of.**
10. All connected application, if any, stands disposed of.
11. Interim order, if any, stands vacated.
12. Urgent Photostat certified copy of this judgment, if applied for, be supplied to the parties, expeditiously after complying with all necessary legal formalities.

(Shampa Dutt (Paul), J.)