

20.05.2025
Item Nos.1-2
gd/ssd

CPAN/622/2023
SANJAY KUNDU AND ORS.
VS
PARTHA PRATIM ROY, CHAIRMAN
NORTH BENGAL STATE TRANSPORT
CORPORATION AND ORS.
in
FMA/2147/2018
NORTH BENGAL STATE
TRANSPORT CORPORATION & ORS.
VS
SANJOY KUNDU & ORS.
with
FMA/2148/2018
NORTH BENGAL STATE
TRANSPORT CORPORATION & ORS.
VS
7TH INDUSTRIAL TRIBUNAL & ORS.

Ms. Santi Das,
Mr. R.D. Bhowmick
..for the Applicants.

Mr. Pantu Deb Roy,
Mr. Subrata Guha Biswas
..for the State.

Mr. Srijan Nayak,
Ms. Rituparna Maitra
..for the Contemnors.

1. The orders have been passed in this contempt application from time to time.

2. According to the respondent contemnors, they have complied with the order and direction issued by this Court while affirming the Award of the 7th Industrial Tribunal in Case NO.49/2A(2) of 2012.

3. Copy of the Establishment Order No.112 dated 11th March, 2025 has been placed before this Court.

4. The applicants have refused to receive the order on the ground that the order states it to be case of fresh appointment and they have sent the letter stating that the action of the respondent-contemnors is a case of aggravated contemnor.

5. We have perused the Establishment Order No.112 dated 11th March, 2025. Though appointments have been given to 18 persons in various posts, it has been stated that the 18 persons will remain on probation for a period of one year and after successful completion of the period their services will be brought under regular establishment.

6. This condition cannot be imposed in the appointment order since what is required to be implemented is the Award of the Industrial Tribunal which directs the applicants before the Tribunal who are the applicants here who were treated as contractual labourers to be made as employees of the North Bengal State Transport Corporation. This order of the Tribunal was affirmed by the Division Bench.

7. Therefore, the respondent-contemnors have to treat all the 18 persons as regular employees and the clause directing them to be remained on probation for one year is set aside.

8. The next aspect which has to be seen is as to how the past period should be reckoned.

9. Since the appointment order is yet to take effect, we direct the 18 persons who are the applicants to accept the Establishment Order No.112 dated 11th March, 2025 and join the appointed posts without prejudice to the rights and contentions in this contempt application. They are not required to remain on probation as the said condition has been set aside.

10. On the next hearing date the respondent-contemnors shall file a report in the form of an affidavit as to how they propose to implement the Award of the 7th Industrial Tribunal in its letter and spirit that is the employees would be entitled to be treated as employees of North Bengal State Transport Corporation with effect from the date on which they were taken as contract employees. This is how the Award of the Industrial Tribunal has to be implemented which Award has been confirmed by the Division Bench and the Special Leave Petition filed against the same was also dismissed.

11. Therefore, we direct the applicants to accept the appointment order and join the respective posts within one week from the date of receipt of a server copy of this order and all the 18 persons shall be permitted to join their respective posts and they shall not be placed under probation. Out of the 18 persons four persons have to submit document in proof of their

age. As soon as it is submitted, they will also be permitted to join.

12. By the next hearing date the compensation amount payable to the dependants of the deceased workmen shall be disbursed and report before this Court.

13. With regard to four other employees it appears that they have not been issued appointment orders on the ground that no document has been produced by them to prove their age. The Award passed by the Industrial Tribunal is after adjudication of the dispute and it was an admitted fact that all 22 employees were contract employees under the respondent/contemnors.

14. Therefore, at this distance of time it will be inappropriate for the respondents to raise the issue regarding age.

15. Therefore, we direct that appointment letter shall also be issued to the four other employees as well, namely, in total 22 employees and all of them shall be allowed to join and there shall be no condition that they shall be on probation.

16. On the next hearing date other issues will be considered upon the report in the form of affidavit is filed by the respondents.

17. Since the Finance Department, Government of West Bengal is required to grant the

necessary approval, this direction shall be communicated to the Government so that appropriate order of approval is granted at the earliest.

18. List the matters on 1st July, 2025.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(BIVAS PATTANAYAK, J.)