

06.10.2023
Item No.1
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.

Mr. Bikash Ranjan Bhattacharyya, Senior Advocate,
Ms. Santi Das
..for the Petitioners.

Mr. Srijan Nayak,
Ms. Rituparna Maitra
..for the NBSTC/Contemnor.

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

1. This contempt application has been filed for willful disobedience of the judgment and order in FMA 2147 of 2018 and FMA 2148 of 2018 dated 25.08.2022.

2. The respondent/contemnors have preferred appeal before the Hon'ble Supreme Court against the said judgment in Special Leave Petition Diary No.26365 of 2023 and the same was dismissed by the Hon'ble Supreme Court.

3. After the dismissal, the Managing Director of the North Bengal State Transport Corporation has passed an order on 11.09.2023 which states that the applicants before the learned Tribunal are reinstated in the Corporation under the control of the engaged agency of the Corporation, namely, Delta Security Services, New Barrackpore, Kolkata with immediate effect, namely, from the date of the order.

4. The order passed by the Managing Director of the respondent Corporation is clearly in violation of the award passed by the Tribunal which was affirmed by this court and the Special Leave Petition against the said judgment was also dismissed.

5. The award of the Tribunal was directing the respondents to treat the contract labourers i.e. the applicants before the Tribunal/the applicants in this contempt petition as employees of the principal employer, North Bengal State Transport Corporation without any delay.

6. Therefore, the Managing Director of the respondent Corporation has committed a contempt by directing reinstatement of the applicants under the control of the engaged agency of the respondent Corporation. This is in blatant violation of the award passed by the Industrial Tribunal dated 13.05.2014.

7. Therefore, we direct that the Managing Director of the North Bengal State Transport

Corporation to immediately revoke his order dated 11.09.2023 and comply with the award in its letter and spirit by treating the applicants as employees of the North Bengal State Transport Corporation, the principal employer and such orders shall be passed and given effect to not later than 8th December, 2023. If the Managing Director fails to comply with the same, he shall appear in person before this court on the next adjourned date.

8. Let this matter appear on 15.12.2023.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(BIVAS PATTANAYAK, J.)