

19.01.2024
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.

Mr. B.R. Bhattacharyya, ld. Sr. Adv.
Ms. Santi Das
..for the Applicants.

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

Mr. Kishore Dutta, ld. AG,
Mr. Srijan Nayak,
Ms. Rituparna Maitra
..for the Contemnors.

1. We have heard the learned Advocate
General and the learned advocate for the applicants.

2. The learned Advocate General submitted
that the order and direction issued by the court has
been complied with and produced a copy of a

compliance order dated 11.01.2024 signed by the Managing Director of NBSTC, Cooch Behar.

3. On perusal of the said order it is seen that the workmen have been offered for contractual engagement under the direct control of North Bengal State Transport Corporation. The Award passed by the Industrial Tribunal clearly holds that the employees have to be treated as employees of NBSTC as there is no valid contract between NBSTC and the contractor, namely, Delta Security Services and the contract was found to be not genuine. Further, the Industrial Tribunal held that the applicants/workmen should be treated as employees of the principal employer. The operative portion of the Award also clearly states that all 35 workmen/applicants have to be reinstated in service and the respondent/alleged contemnors are directed to treat the contract labourers i.e. the workmen/applicants as employees of the principal employer/NBSTC without any further delay.

4. Therefore, we have no hesitation to hold that the report of compliance dated 11.01.2024 is not in compliance with the direction and, accordingly, the same is quashed. One more opportunity is granted to the respondents to remedy the breach and comply with the Award of the Labour Court which has been affirmed by this court in its letter and spirit otherwise adverse consequence will follow.

5. List this matter on 22nd February, 2024.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(BIVAS PATTANAYAK, J.)