

16.03.2021

BP
Sl. 3

WPA 24501 of 2012

(Via Video Conference)

Canon Electronic Systems
Vs.
State of West Bengal & Ors.

Mr. Suvadip Bhattacharjee
Mr. Balaram Patra
..for the petitioner.

Mr. R. Guha Thakurta
..for the respondent no3.

In this matter in respect of one application under Section 33(C)(2) in this writ application one Hon'ble Judge of this court (now retired) by His order dated 16th January, 2013 granted an order of stay on the order impugned i.e. an order in respect of Section 33 (C) (2) of the Industrial Disputes Act, 1947 passed by the Judge, 1st Labour Court dated 16th July, 2012. This order of stay was granted on the condition that the petitioner would deposit an amount of Rs. 1,25,000/-.

I am told that the execution proceeding is pending before the Deputy Labour Commissioner as is required to be done under Section 33 (C) (1) of the aforesaid Act. Today we are in 2021. Eight years have passed in the meantime.

Learned advocate for the petitioner is not in a position to inform this court as to the present status of the execution case of the said order and prays for one day's time to intimate this court as to the said status.

For this purpose, two days time is granted to the petitioner.

This matter is adjourned till 18th March, 2021 when this matter will appear in the list.

The owner of the petitioner firm is present in court and in reply to a query as to why he did not comply with the order passed by this court for payment of Rs. 1,25,000/-, he boldly submitted that as this order was not passed by the Labour Department, he has not paid that. It is not understood how this idea has grown up in his mind or head that order of High Court can be ignored till order of Labour Department is passed. However, this matter will be heard further at 3.45 p.m. today. Until then the Deputy Sheriff is directed to take him into his custody and necessary amenities like water and food at his own cost can be provided. He should not leave the custody of the Deputy Sheriff till 3.45 p.m.

(Abhijit Gangopadhyay, J.)

