

15.10.2026
Item No.3
Ct. No. 30
Aloke

WPA 29884 of 2026

**G.R.S.E. Ltd. Workmen's Union
Vs
Garden Reach Shipbuilders & Engineers Ltd.
(GRSE Ltd.) & Ors.**

Mr. Soumya Majumder, Id. Sr. Adv.
Mr. Ratikanta Pal
... for the petitioner

Mr. Prabal Mukherjee, Id. Sr. Adv.
Mr. Ranjay De, Id. Sr. Adv.
Mr. Basabjit Banerjee
Mr. Adityajit Abel Bose
... for the respondent no. 1 and
3 to 7

Ms. Aparna Banerjee
Ms. Kakali Dutta
... for the State

- 1.** As directed the state has placed a report submitted by the Factories Inspector.
- 2.** On perusal of the said report, this Court finds that the same is not in accordance with the order passed by this Court dated 13.10.2026.
- 3.** Since the filing of the writ application on 08.10.2026 the employee who has been show-caused, has given his reply to the authorities concerned on 10.10.2026.
- 4.** It is the contention of Mr. Majumder, learned senior counsel appearing for the petitioner that the said show-cause notice prima facie shows that there is already a view taken by the authority concerned that the employee/workman is guilty. The language

of the show-cause prima facie shows that the authority has already found the employee to be guilty of the charges for which he has been show-caused.

5. Considering the said submission of Mr. Majumder and the fact that the show-caused employee has already replied to the show-cause, this Court directs that the authority concerned shall consider the reply to the show-cause filed by the employee and also keep in mind the argument of Mr. Majumder, which has substance and merit regarding the framing of a show-cause notice. The authority concerned should not have a pre-conceived view of the guilt of an employee and should keep an open mind to ensure justice and fair hearing be also given to the employee concerned.
6. Accordingly, it is directed that the authority concerned shall proceed with the show-cause notice served upon the employee and consider his explanation in accordance with law following the principles of nature justice.
7. The next contention of Mr. Mukherjee, learned senior counsel appearing for the respondents is that Factories Act has now been substituted by the occupational safety health and working conditions Code 2020,

wherein Section 41G of the earlier Act is now Section 22 of the Code.

8. Section 22 of the Code lays down as follows:-

“22. Safety Committee and Safety Officers

(1) The appropriate Government may, by general or special order, require any establishment or class of establishments to constitute in the prescribed manner a Safety Committee consisting of representatives of employers and workers engaged in such establishment in such manner that the number of representatives of workers on the Committee shall not be less than the number of representatives of the employer and the representatives of the workers shall be chosen in such manner and for such purpose as may be prescribed by appropriate Government.....”

9. Mr. Mukherjee further submits that the respondent authorities are ready and willing to constitute the safety committees at the three units as per the observations of this Court in the order dated 13.10.2026 after the Trade Unions Elections are held, which it is stated will not be before six months.
10. Considering that the safety committees of the three units are not as per the act as observed by this Court in its order dated 13.10.2026

and also considering that the elections of the Trade Unions will not be held within 6 months, this Court directs that the petitioner shall re-constitute the safety committees as per the observations of this Court in the order dated 13.10.2026, within 30 days from the date of this order.

11. It is further clarified that the respondent authorities shall keep in mind that when the Act talks about the representatives of workers engaged in such “establishment” it shall be equal representation from each of the recognized Unions functioning within the premises. **The equal representation should also be equal in respect of such number of Unions.**
12. Finally, the petitioner is at liberty to constitute the safety committees and while constituting the same in the three units, the respondents shall be guided by the constitution of it's Central Safety Committee.
13. **The writ application stands disposed of.**
14. Connected application, if any, stands disposed of.
15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)