

Present:

Mr. Justice Mohammad Bazlur Rahman

and

Mr. Justice Md. Ruhul Quddus

Writ Petition No.1710 of 2010

Bangladesh Forest Industries Development Corporation (BFIDC) and another

...Petitioners

-Versus-

Second Labour Court, Chittagong and another

...Respondents

Mr. Choudhury Sanawar Ali, Advocate

... for the petitioners

No one appears for the respondents

Judgment on 28.05.2013

*Md. Ruhul Quddus, J:*

This *rule nisi* at the instance of Bangladesh Forest Industries Development Corporation and its Assistant General Manager, Cabinet Manufacturing Plant (CMP), Kalurghat, Chittagong was issued calling in question an interim order of the Second Labour Court, Chittagong passed in I. R. Case No.9 of 2010 staying an order of the petitioner-corporation putting respondent 2-worker on retirement, which is under challenge in the I. R. case.

Respondent 2, a worker of the petitioner-corporation filed I. R. Case No.9 of 2010 before the Second Labour Court at Chittagong challenging the order of his retirement effective from 31.12.2009 on expiry of 57 years age as contained in Memo No.CMP/PaFa-29/09-10/581 being office order No.55

dated 24.12.2009 signed by petitioner 2. The respondent-worker also filed an application for staying operation of the said order of his retirement, on which the Labour Court issued a show cause notice and passed an interim order dated 09.02.2010 staying the impugned order of retirement. Challenging the said interim order dated 09.02.2010 passed by the Labour Court, the petitioner-corporation moved in this Court, obtained the Rule with an interim order of stay.

It appears from the record, that the respondent 2-worker was put on retirement from 31.12.2009 on expiry of 57 years, but he claimed that according to section 14 A of the Public Corporations (Management Coordination) Ordinance, 1986 he would retire on expiry of 60 years. In the meantime the period as claimed by the worker expired on 31.12.2012 and as such both the interim orders of stay have lost their force.

On a query made by the Court, Mr. Choudhury Sanawar Ali, learned Advocate for the petitioners cannot ascertain whether the I. R. case is still pending.

In the circumstances we are of the view that determination of the issue raised in this writ petition will be mere academic as in the meantime the respondent-worker has already attained 60 years of age and the impugned order has lost its force. Whether he would retire on expiry of 60 years and get benefit for the remaining three years are matters to be adjudicated by the Labour Court.

Under the circumstances, the Second Labour Court, Chittagong is directed to dispose of I. R. Case No. 9 of 2010 (Nurul Islam Vs. The Manager, Cabinet Manufacturing Plant Bangladesh Forest Development Corporation and others) as expeditiously as possible, if not disposed of by this time.

With the above direction, this Rule is disposed of. Office is directed to communicate the Second Labour Court, Chittagong with a copy of this order at once.

Mohammad Bazlur Rahman, J:

I agree.