

Government of West Bengal
Labour Department, I. R. Branch
N.S. Buildings, 12th Floor
1, K.S. Roy Road, Kolkata - 700001

No. Labr/39.4/(LC-IR)

Date : .16.4.19

ORDER

WHEREAS under the case no VIII-05/2003(VI) of the Industrial Dispute Act, 1947 the Industrial Dispute between M/s Bhojnarain Tea Estate, P.O. Kamalabagan, Dist.- Darjeeling Pin 734426 and their workman Shri Monoj Sherma, S/o Late Ghultu Sherma, Jhari Line of Bhojnarai Tea Estate, P.O. Kamalabagan, Dist.- Darjeeling, Pin-734426 regarding the issue mentioned in the said order, being a matter specified in the Second Schedule to the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Judge, 6th. Industrial Tribunal, West Bengal.

AND WHEREAS the Judge of the said 6th. Industrial Tribunal, West Bengal, has submitted the State Government its award on the said Industrial Dispute.

NOW, THEREFORE, in pursuance of the provisions of Section 17 of the Industrial Dispute Act 1947 (14 of 1947), the Governor is pleased hereby to publish the said award as shown in the Annexure hereto.

ANNEXURE

(Attached herewith)

By order of the Governor,



Deputy Secretary


to the Government of West Bengal

Date : .16.4.19

No. Labr/39.4/1(5)/(LC-IR)

Copy, with a copy of the Award, forwarded for information and necessary Action to :

1. M/s Bhojnarain Tea Estate, P.O.: Kamalabagan, Dist.- Darjeeling Pin-734426 .
2. Shri Monoj Sherma, S/o Late Ghultu Sherma, Jhari Line of Bhojnarain Tea Estate, , P.O.: Kamalabagan, Dist.- Darjeeling , Pin-734426 .
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The Labour Commissioner, W.B. New Secretariat Buildings, 1, K. S. Roy Road, 11th Floor, Kolkata- 700001.
5. The O.S.D., IT Cell, Labour Department, with the request to cast the Award in the Department's website.



Deputy Secretary

No. Labr/39.4/2(2)/(LC-IR)

Copy forwarded for information to :

Date : .16.4.19

1. The Judge, 6th. Industrial Tribunal, West Bengal with reference to his Memo No. 33/IT(J) dated 03/04/2019.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.

Deputy Secretary

Before the Judge, Sixth Industrial Tribunal
North Bengal Region at Jalpaiguri
Nawab Bari Judicial Complex
Jalpaiguri.

Case No. VIII-05/2003 (VI)

Present: Sri B. N. Bhaduri, Judge,
Sixth Industrial Tribunal, North Bengal Region at Jalpaiguri
Nawab Bari Judicial Complex, Jalpaiguri.

Sri Monoj Sherma S/o Late Ghultu Sherma
Resident of Jhari Line of Bhojnarain Tea Estate
P.O. Kamala Bagan, Dist. Darjeeling, Pin-734426.

.....The Applicant

-VS-

M/s. Bhojnarain Tea Estate, P.O. Kamalabagan,
Dist. Darjeeling, represented by the Manager,
M/s Bhojnarain Tea Estate.

.....The Opposite Party.



Order No.76 dt. 28/03/2019

Today is fixed for passing necessary order. The employee and the employer have not taken any steps today. Today also none appeared on repeated calls.

On careful perusal of the record it is found that the workman, Sri Monoj Sherma, filed this case directly to this Tribunal for setting aside the order of dismissal. Accordingly, the case was started and notices were issued in Form No.D2 fixing 03/07/2003 for SR, appearance and for further order. It is found that notices were served and both the parties appeared. Since last few dates no step has been taken by the employee and the employer. Therefore, it is clear that the petitioner has no interest in the further proceeding of this case and there is also no reasonable ground to keep this case pending any more.

Under such circumstances, I have no other alternative but to hold that the Industrial Disputes raised in between the parties to this case is no longer in existence and accordingly the case is to be disposed of as per provision of Rule-22 of the West Bengal Industrial Disputes Rules, 1958. Hence it is

ORDERED

That this Industrial Dispute between the parties to this case is no longer in existence and accordingly no award is passed. The case is disposed of accordingly.

Copy of this "No Dispute Award " be sent to the Assistant Secretary, Labour Department, I.R. Branch, Govt. of West Bengal, New Secretariat Buildings, Block-A, 12th Floor, 1, K. S. Ray Road, Kolkata-700001, for his information with a request to publish the same in the Calcutta Gazette within 30 days from the date of its receipt.

sdf

(Baidya Nath Bhaduri)
Judge,
Sixth Industrial Tribunal

sdf

(Baidya Nath Bhalduri)
Judge,
Sixth Industrial Tribunal
Jalpaiguri