

I/40896/2019

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

No. Labr/ 264/(LC-IR)

Date : . 11-03-19

ORDER

WHEREAS under the case no. VIII-023/2007(VI) of the Industrial Dispute Act, 1947 the Industrial Dispute between M/S Demdima Tea Garden, P.O. Birpara, Dist. Jalpaiguri and their workman Sri Anil Kumar Dutta, represented by Cha Sramik Union, W.B., Kerani , P.O. + Dist. Jalpaiguri regarding the issue mentioned in the said order, being a mater 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 to 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

No. Labr/ 264/(15)/(LC-IR)

Date : . 11-03-19

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

1. M/s : Demdima Tea Garden, P.O. Birpara, Dist: Jalpaiguri .
2. Secretary, Cha Sramik Union, W.B., Kerani , P.O. + Dist. Jalpaiguri .
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

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

Case No. VIII-23/2007 (VI)

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



Order No. 44 dt. 24/01/2019

M/s. Demdima Tea Garden, P.O. Birpara,
Dist. Jalpaiguri,

-VS-

Sri Anil Kumar Dutta, workman, represented by
West Bengal Cha Sramik Union bearing, Regd.
No.2233, having its office at Kerani Para, P.O. & Dist.
Jalpaiguri.

Employer files hazira through Ld. Advocate. The workman takes no step. None appears on calls on behalf of both sides. It is settled legal position that simply filing hazira through Ld. Advocate cannot be treated an appearance if the Ld. Advocate does not appear on call. The Ld. Advocate for the employer did not appear on repeated calls. In such situation it is clear that both parties are not at all interested in proceeding with this case. In such situation it is a fit case for disposing of by passing an order of No Dispute Award.

On careful perusal of the record it is found that a copy of Order No.1272-I.R./IR/9L-06/99 dated 07/11/2007 of the Govt. of West Bengal, Labour Department, I. R. Branch, Writers' Buildings, Kolkata-700001, was received on 27.11.2007. Accordingly, the case was started and notices were issued in Form No. D2 fixing 11/01/2008 for SR, appearance and for further order. It is found that notices were served and both the parties appeared. Since last few dates and no step has been taken by the employee and 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.

(Baidya Nath Bhaduri)
sd/ Judge,
Sixth Industrial Tribunal
Jalpaiguri.

(Baidya Nath Bhalduri)
sd/ Judge, "
Sixth Industrial Tribunal
Jalpaiguri.

True copy
Baidya Nath Bhaduri
JUDGE
Sixth Industrial Tribunal
Jalpaiguri