

1/26087/2018

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

No. Labor/665/Le-IR

Date 07.09.18

ORDER

WHEREAS an industrial dispute existed between M/S : Indian Institute of Hardware Technology Limited, No. 30, 3rd Floor, Chowringhee Mansion, Jawaharlal Nehru Road, Park Street, Kolkata-700016 and their workman Sri Sibasis Pathak, Subha Complex, Subhasgram, 182, R.N. Chakroborty Road, P.O. & P.S. Subhasgram, Kolkata-700147 regarding the issues being a matter specified in the Second schedule of the Industrial Dispute act, 1947 (14of 1947);

AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute act, 1947 (14of 1947) to the Judge, Seventh Industrial Tribunal Specified for this purpose under this Department Notification No. 101-IR dated 2.2.12;

AND WHEREAS the said Judge, Seventh Industrial Tribunal has submitted to the State Government its Award on the said Dispute.

NOW, THEREFORE, in pursuance of the provisions of Section 17 of the Industrial Disputes 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

2018

(2)

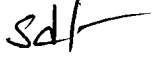
No. Labr/665/1(2)/(LC-IR)

Dated07-09-18

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 1361-L.T. dated 03/07/2018.
2. The Joint Labour Commissioner (Statics), W.B., 6, Church Lane, Kolkata-700001.

2.

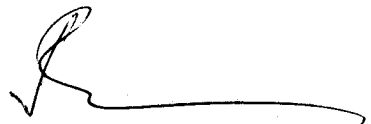

Deputy Secretary

No. Labr/665/2(5)/(LC-IR)

Dated07-09-18

Copy with a copy of the Award is forwarded for information & necessary action to:

1. M/s: Indian Institute of Hardware Technology Limited, No. 30, 3rd Floor, Chowringhee Mansion, Jawaharlal Nehru Road, Park Street, Kolkata-700016.
2. Sri Sibasis Pathak, Subha Complex, Subhasgram, 182, R.N. Chakroborty Road, P.O. & P.S. Subhasgram, Kolkata-700147 .
3. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
4. The Labour Commissioner, W.B., New Secretariat Building (11th Floor), 1, Kiran Sankar Roy Road, 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

In the Seventh Industrial Tribunal, West Bengal
New Secretariat Buildings, Kolkata

P R E S E N T :

Shri Avani Pal Singh, Judge, Seventh Industrial Tribunal

Case No. 29/2016; u/s. 2A(2) of the I.D. Act, 1947

Mrs. Purnasree Nag, 7/14, D.P.P. Road, Kolkata – 700 047.Applicant.

-versus-

M/s. Bengal National Chamber of Commerce & Industry,
BNCCI House, 23, Sir R.N. Mukherjee Road,
Kolkata – 700 001.

....O.P./Company.

A W A R D

Dated : 04-07-2018

None appears on behalf of the applicant on repeated calls. Today was fixed for proceeding under Rule 22 of the West Bengal Industrial Dispute Rules, 1958 with liberty to the applicant to appear and take steps in the meanwhile. No steps have been taken by the applicant since grant of such liberty.

Records reveal that this case was registered on 26.08.2016 upon filing of an application under Section 2A(2) of the Industrial Disputes Act, 1947 by the applicant, and upon registration of such case notice(s) in prescribed form, together with copy of the application, were sent by registered post to the OP/Company at their address given in the application, with direction to appear and file their written statement. The S/R of such notice duly returned to the Court on 03.02.2017, however the OP/Company appeared through their Learned Advocate on 29.03.2017 and filed their written statement on 02.06.2017. Thereafter, upon both parties having filed their respective list of documents and exchanged copies thereof by 19.12.2017, the matter was fixed for framing of issues on 19.01.2018, on which day a petition for hearing on preliminary points was filed by the OP/Company, copy whereof could not be served as the applicant did not appear on that date.

It further reveals that the applicant last appeared on 19.12.2017 and has continued to remain absent on six dates thereafter, including today. Clearly, the conduct of the applicant before this Tribunal strongly indicates that the industrial dispute sought to be raised may no longer be in existence between the parties.

In the circumstances aforesaid, this Tribunal is constrained to hold that this is a fit case to be dealt with Rule 22 of the West Bengal Industrial Disputes Rules 1958, as the applicant has failed to appear without sufficient cause being shown and that the instant industrial dispute is no longer in existence between the parties, and further this Tribunal holds that the instant case is liable to be disposed of on such terms.

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Accordingly, and in terms of Rule 22 of the West Bengal Industrial Dispute Rules, 1958 as amended till date, this Tribunal holds that the instant industrial dispute being Case No.29/2A(2)/2016, instituted on 26.08.2016 is **no longer in existence, between the parties.**

The aforesaid constitutes the **No Dispute Award** passed by this Tribunal in the instant Case No.29/2A(2)/2016, which stands disposed of forthwith.

Dictated & corrected by me.

Judge.

~~Seventh Industrial Tribunal~~

Judge
Seventh Industrial Tribunal
Kolkata
04-07-2018

~~Seventh Industrial Tribunal~~

