

I/26092/2018

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

No. ~~Labour~~ (667) (LC-IR)

Date ...07-09-18

ORDER

WHEREAS an industrial dispute existed between M/S : Bengal National Chamber of Commerce & Industry, BNCCI House, 23, Sir R.N. Mukherjee Road, Kolkata-700001 and their workman Smt. Purnasree Nag, 7/14, D.P.P. Road, Kolkata-700047 regarding the issues being a matter specified in the third schedule of the Industrial Dispute act, 1947 (14 of 1947);

AND, WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute act, 1947 (14 of 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

92/2018

(2)

No. Labr./667/1(2) / (EC-IR)

Dated07-09-18

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 1440-L.T. dated 13/07/2018.
2. The Joint Labour Commissioner (Statics), W.B., 6, Church Lane, Kolkata-700001.



Deputy Secretary

No. Labr./667/2(5) / (EC-IR)

Dated07-09-18

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

3. M/s : Bengal National Chamber of Commerce & Industry, BNCCI House, 23, Sir R.N. Mukherjee Road, Kolkata-700001 .
4. Smt. Purnasree Nag, 7/14, D.P.P. Road, Kolkata-700047.
5. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
6. The Labour Commissioner, W.B., New Secretariat Building (11th Floor), 1, Kiran Sankar Roy Road, Kolkata - 700001.
7. 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

Present: Shri Avani Pal Singh, Judge, Seventh Industrial Tribunal

CASE NO. 11/2015; u/s. 2A(2) of the I.D. Act, 1947

Sri Sibasis Pathak, Subha Complex, Subhasgram,
182, R.N. Chakraborty Road, P.O. & P.S. Subhasgram,
Kolkata – 700 147.

.....Applicant.

-versus-

M/s. Indian Institute of Hardware Technology Limited,
No.30, 3rd Floor, Chowringhee Mansion,
Jawaharlal Nehru Road, Park Street, Kolkata – 700 016.

...O.P./Company.

AWARD

Dated : 28-06-2018

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

Records reveal that this case came to be registered on 27.02.2015 when the workman filed an application purportedly under Section 2A(2) of the Industrial Disputes Act, 1947, raising dispute(s) on the grounds stated therein against his employer M/s. Indian Institute of Hardware Technology Limited, with its office at No. 30, 3rd Floor, Chowringhee Mansion, Jawaharlal Nehru Road, Park Street, Kolkata – 700016, in connection with termination of his service by such employer. Upon the case being registered, notice in prescribed Form, together with copy of such application, was sent by registered post to the OP/Company with directions to appear and file written statement. It further reveals that on 13.04.2015, the OP/Company appeared through their Ld. Advocate, however they did not file their written statement and sought further time to do so, and their such prayer was considered and allowed by this Tribunal. Records also reveal that the OP/Company filed their written statement on 29.01.2016; however, the OP/Company stopped taking steps soon thereafter (from 11.07.2016 onwards) and failed to appear before this Tribunal on several dates and ultimately by Order dated 03.07.2017, the matter was directed to proceed ex-parte against the OP/Company. Records further reveal that the applicant was given opportunity to lead his **ex-parte evidence** on 25.08.2017, and on several dates thereafter however, the workman has failed to lead his evidence till date, the matter being adjourned on all such dates on one ground or the other.

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That apart, the workman has stopped appearing in this matter as would be evident from his absence on the last date as well as today. Clearly, the conduct of the parties before this Tribunal strongly indicates that the industrial dispute under adjudication 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 under Rule 22 of the West Bengal Industrial Disputes Rules 1958, as the parties have 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.

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.11/2A(2)/2015, instituted on 27.02.2015 is **no longer in existence, between the parties.**

The aforesaid constitutes the **No Dispute Award** passed by this Tribunal in the instant Case No.11/2A(2)/2015, which stands disposed of forthwith.

Dictated & corrected by me.

sdl
Judge.

sdl
Judge
Seventh Industrial Tribunal
Kolkata
28-06-2018

