

I/81452/2020

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

No. Labr/ 108 / (LC-IR)/22015(16)/450/2019

Date : 13/02/2020

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. Labr./700/(LC-IR)/23099/15/2019 dated 26.07.2019 the Industrial Dispute between M/s Govind Bhawan Karzylaya, 151, Mahatma Gandhi Road, Kolkata - 700 007 and their workman Sri Rajesh Pandey, S/o Bhagawan Pandey, 195, Block A, Lake Town, Kolkata - 700 089 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, Eighth Industrial Tribunal, West Bengal.

AND WHEREAS the Judge of the said Eighth 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/108/1(5)/(LC-IR)

Date : 13/02/2020

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

1. M/s Govind Bhawan Karzylaya, 151, Mahatma Gandhi Road, Kolkata - 700 007.
2. Sri Rajesh Pandey, S/o Bhagawan Pandey, 195, Block A, Lake Town, Kolkata - 700 089.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. 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/108/2(2)/(LC-IR)

Date : 13/02/2020

Copy forwarded for information to :

1. The Judge, Eighth Industrial Tribunal, West Bengal with reference to his Memo No. 1584 - L.T. dated 11.12.2019.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.

Deputy Secretary

In the matter of an Industrial Dispute between M/s. Govind Bhawan Karzialaya, 151, Mahatma Gandhi Road, Kolkata - 700007 and Sri Rajesh Pandey, S/o Bhagawan Pandey, 195, Block – A, Lake Town, Kolkata - 700089 transferred from Seventh Industrial Tribunal to this Eighth Industrial Tribunal vide G.O. No. Labr./700/(LC-IR)/23099/15/2019 dated 26.07.2019 and Office Memo No. 1057-LT dated 05.08.2019.

(Case No.VIII-06/2019)

BEFORE THE JUDGE, EIGHTH INDUSTRIAL TRIBUNAL,
KOLKATA.

Present

SRI MADHUSUDAN DUTTA, PRESIDING OFFICER,
Eighth Industrial Tribunal

A W A R D

This industrial dispute between M/s. Govind Bhawan Karzialaya, 151, Mahatma Gandhi Road, Kolkata - 700007 and Sri Rajesh Pandey, S/o Bhagawan Pandey, 195, Block – A, Lake Town, Kolkata - 700089 has been transferred from Seventh Industrial Tribunal to this Eighth Industrial Tribunal vide G.O. No. Labr./700/(LC-IR)/23099/15/2019 dated 26.07.2019 and Office Memo No. 1057-LT dated 05.08.2019 for adjudication of the following issues: -

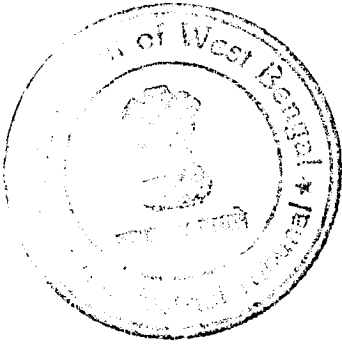
I S S U E S(S)

1. Whether the dismissal of Sri Rajesh Pandey w.e.f. 22.09.2017 by the management of M/s Govind Bhawan Karzialaya is justified?
2. To what relief is he entitled?

Today is fixed for filing show cause by the applicant.

None appears on behalf of either of the parties or takes any steps. On repeated calls none appears on behalf of the applicant Sri Rajesh Pandey.

Record reveals that the applicant absented himself from 23.04.2019. Vide order No. 04 dated 09.07.2019 notice to show-cause was issued against the applicant, as to why 'No Dispute Award' shall not be passed against him. On the next date i.e. 06.08.2019 on behalf of the applicant filed a petition praying for time to file reply of show cause notice. The date was adjourned to 28.08.2019 for reply of show cause by the applicant and notice was issued to the O.P. Company to appear on the date fixed. On 28.08.2019 again petition was filed on behalf of the applicant praying for



time to file show cause on the grounds of his Ld. Advocate and also it transpires from the A/D that the notice upon the O.P. Company has been duly served but no steps taken on behalf of the O.P. Company. As the date was fixed to 25.09.2019 for reply of show cause by the applicant. But since then as many as 02 (two) adjournments were given but no step was taken on behalf of the applicant.

A/D reveals that the notice has been duly received by the applicant.

From the conduct of the applicant and as this adjudication is pending from 23.04.2019, I am persuaded to safely presume that he is no more interested to proceed with this adjudication and further adjournment will be nothing but abuse of Tribunal's process and time.

Such being the conduct on the part of the applicant and his Ld. Advocate, coupled with the fact, I think that in order to protect the judicial sanctity no further indulgence should be given to this applicant because justice is not monopoly to him.

Therefore, I am of the view that it is a fit case to pass a 'No Dispute Award' under Rule 22 of Industrial Disputes Rules, 1958, the industrial dispute by and between the parties being treated as non-existent.

This is my AWARD.

Dictated & corrected by me.

Sd/- M. S. Dutta

Sd/

M.S. Dutta
Presiding officer



Sd/- M. S. Dutta
Sd/

Madhu Sudan Dutta
Presiding officer
Eighth Industrial Tribunal
Kolkata
28.11.2019