

I/106337/2020

Government of West Bengal
Labour Department, I. R. Branch

N.S. Buildings, 12th Floor, 1, K.S. Roy Road, Kolkata - 700001

No. Labr/ ~~1658~~ (LC-IR)/11L-64/13

Date : ~~25/11/2020~~

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. 642 -IR/11L-64/13 dated 21.05.14 the Industrial Dispute between M/s New Friends Enterprise (Tripathy Complex, Debhog, City Centre, Haldia), under the management of M/s Renuka Sugar Ltd., Vill & P.O. Debhog, City Center, Dist. Purba Medinipur and Sri Dibyendu Shekhar Bag, Vill. Mahatma Gandhi Nagar, P.O. Hatiberia, P.S. Haldia, Dist. Purba Medinipur, Pin - 721 657 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,

Sd/-

Deputy Secretary

to the Government of West Bengal

Date : ~~25/11/2020~~

No. Labr/ ~~1658~~ (5) (LC-IR)

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

1. M/s New Friends Enterprise (Tripathy Complex, Debhog, City Centre, Haldia), under the management of M/s Renuka Sugar Ltd., Vill & P.O. Debhog, City Center, Dist. Purba Medinipur.
2. Sri Dibyendu Shekhar Bag, Vill. Mahatma Gandhi Nagar, P.O. Hatiberia, P.S. Haldia, Dist. Purba Medinipur, Pin – 721 657.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The Labour Commissioner, W.B. New Secretariate 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.

Sd/-

Deputy Secretary

No. Labr/ ~~1658~~ (2) (LC-IR)

Date : ~~25/11/2020~~

Copy forwarded for information to :

1. The Judge, Eighth Industrial Tribunal, West Bengal with reference to his Memo No. 271 - L.T. dated 02.03.2020.
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. New Friends Enterprise (Tripathy Complex, Debhog, City Centre, Haldia), under the Management of M/S Renuka Sugar Ltd. Vill & P.O. Debhog, City Centre, Dist. Purba Mdinipur and Sri Dibyendu Shekhar Bag Vill. Mahatma Gandhi Nagar, P.O.Hatiberia, P.S. Haldia, Purba Medinipur, Pin 721657 referred to this Tribunal vide G.O. No. 642-IR/IR/11L-64/13 dated 21.05.2014-

(Case No.VIII-38/14)

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. New Friends Enterprise (Tripathy Complex, Debhog, City Center, Haldia) under the Management of M/S Renuka Sugar Ltd. Vill & P.O. Debhog, City Center, Dist. Purba Medinipur and Sri Dibyendu Shekhar Bag, Vill. Mahatm Gandhi Nagar, P.O. Hatiberia, P.S. Haldia, Purba Medinipur, Pin 721657 has been referred by the Govt. of West Bengal, Labour Department vide G.O. No. 642-IR/IR/11L-64/13 dated 21.05.2014 to this Tribunal for adjudication of the following issues: -

I S S U E S(S)

1. Whether the refusal of employment of Sri Dibyendu Shekhar Bag by M/S New Friends Enterprise, under the Management of M/S Renuka Sugar Ltd. w.e.f. 11.12.2011 was justified?
2. What relief, in any, he is entitled to?

Today is fixed for passing of "No dispute Award".

The O.P. No.2 M/S Renuka Sugar Ltd.is present today but the applicant, Dibyendu Shekhar Bag is absent. On repeated calls none appears on behalf of the applicant and /or O.P.No.1.

Record reveals that the applicant absented himself from 06.01.2020. Vide order No. 77 dated 06.02.2020 notice to show-cause was issued against the applicant, vide this Office memo.no. 142 dated 07.02.2020 as to why 'No Dispute Award' shall

not be passed against him. A/D reveals that the notice has been duly served, but in spite of notice no step taken on behalf of the applicant.

Considering the reluctant attitude of the applicant to proceed with the instant adjudication, 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 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
M.S. Dutta
Presiding officer

Madhu Sudan Dutta
Presiding officer
Eighth Industrial Tribunal
Kolkata
28.02.2020

