

I/86476/2020

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

No. Labr./185/(LC-IR)/22015(16)/8/2020

Date : 17/03/2020

ORDER

WHEREAS an industrial dispute existed between M/s Ajay Apparels, 25, Chanditala Branch Road, P.S. - Behala, Kolkata - 700 053 and their workman Sri Jyoti Das, S/o Lakhan Lal Das, 17/17, Chanditala Branch Road, P.S. - Behala, Kolkata - 700 053 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,

Sd/-
Deputy Secretary

to the Government of West Bengal

Date : 17/03/2020

No. Labr/185/1(2) - IR

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 214 - L.T. dated 18.02.2020.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

No. Labr/185/2(5) - IR

Sd/-
Deputy Secretary
Date : 17/03/2020

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

1. M/s Ajay Apparels, 25, Chanditala Branch Road, P.S. - Behala, Kolkata - 700 053.
2. Sri Jyoti Das, S/o Lakhan Lal Das, 17/17, Chanditala Branch Road, P.S. - Behala, Kolkata - 700 053.
3. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
4. The O.S.D. & E.O. 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.

Sd/-
Deputy Secretary

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

Present: Shri Ashis Kumar Das, Judge,
Seventh Industrial Tribunal, Kolkata.

CASE NO. 07 of 2017

Under Section 2A (2) of the Industrial Disputes Act, 1947

Shri Jyoti Das ...Applicant
Son of Lakhan Lal Das,
Residing at 17/17, Chanditalla Branch Road,
P.S. Behala, Kolkata-700 053.

-Versus-

M/s. Ajay Apparels ...OP/Company
25, Chanditala Branch Road,
P.S. Behala, Kolkata-700 053.

A W A R D

Dated : 17-02-2020

Today is fixed for evidence for applicant's side.

Applicant Shri Jyoti Das is absent without steps.

OP / M/s. Ajay Apparels is also absent without steps.

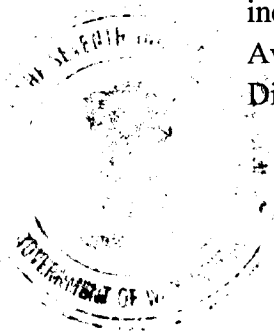
It is now 12:29 p.m. On repeated calls, none is found present either for the applicant or for the OP/Company.

This case has been filed by the applicant under Section 2A(2) of the Industrial Disputes Act, 1947 against his employer M/s. Ajay Apparels in connection with termination of his service by way of refusal of employment w.e.f. 11.01.2017 with a prayer for reinstate him in his service with full back wages and consequential benefits.

Perused the case record, wherefrom it is seen that on 12.11.2018 an order was passed fixing 22.01.2019 for evidence of the applicant as final opportunity i.d. for proceedings under Rule 22 of the West Bengal Industrial Dispute Rules, 1958. Thereafter, on 29.03.2019, applicant was directed to show-cause by 14.05.2019 as to why the instant case shall not be disposed of as No Dispute Award. On 14.08.2019, applicant filed show-cause, which was accepted and this Tribunal fixed 24.10.2019 for evidence of the applicant's side and thereafter, applicant took adjournment on 24.10.2019 and 24.12.2019. Therefore, it is clear that the applicant is not willing to proceed with his present case. So, I am not inclined to issue show-cause notice again directing the applicant as to why the instant case shall not be disposed of as No Dispute Award.

In view of the aforesaid conduct of the applicant, this Tribunal holds that no industrial dispute exists in between the parties. So, I am inclined to pass a 'No Dispute' Award on the footings that industrial dispute under Rule 22 of West Bengal Industrial Disputes Rules, 1958 is no longer in existence.

Contd...



Hence, it is,

ORDERED

that the Case being No.07 of 2017 under Section 2A(2) of the Industrial Disputes Act, 1947 be and the same is dismissed for non-existence of any Industrial Dispute. This is to be treated as "No Dispute Award".

This is my Award.

Dictated & Corrected by me

sd/-
Judge

Judge
Seventh Industrial Tribunal



sd/-
(Ashis Kumar Das)
Judge,
Seventh Industrial Tribunal,
Kolkata
17.02.2020

Judge
Seventh Industrial Tribunal