

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

No. Labr/ 439/(LC-IR)/.....

Date : .02-.05-.19

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. 1188-IR dated 30/11/2015 the Industrial Dispute between M/s Ludlow Jute Mills, Vill+ P.O. Chengail, Howrah and their workman Sahajamol Mollah, Vill+ P.O. Chengail, Howrah 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, Third Industrial Tribunal, West Bengal.

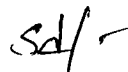
AND WHEREAS the Judge of the said Third Industrial Tribunal, West Bengal, has submitted to the State Government its award on the said Industrial Dispute.

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/ 439/1(5) | (LC-IR)

Date : .02-.05-.19

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

1. M/s . Ludlow Jute Mills, Vill+ P.O. Chengail, Howrah .
2. Sahajamol Mollah, Vill+ P.O. Chengail, Howrah .
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.



Deputy Secretary

Date : 02-.05-.19

No. . Labr/ 439/2(2) | (LC-IR)

Copy forwarded for information to :

1. The Judge, Third Industrial Tribunal, West Bengal with reference to his Memo No. 516-L.T. dated 25.04.2019.
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. Ludlow Jute Mills, Vill & P.O. Chengail, Howrah and their workman, Sahajamol Mollah, Vill. & P.O. Chengail, Howrah referred before this Tribunal.

Case No. 01/15/36A

BEFORE THE THIRD INDUSTRIAL TRIBUNAL: WEST BENGAL

PRESENT

SRI SUBERTHI SARKAR, JUDGE, THIRD INDUSTRIAL TRIBUNAL

A W A R D Date: 16th April,2019

This matter was referred by the Government of West Bengal, Labour Department, Vide G.O. No. 1188-IR/7L-01/04(Pt-II) dt. 30th November,2015 relating to an Industrial Dispute between M/s. Ludlow Jute Mills, Vill & P.O. Chengail, Howrah and their workman Sahajamol Mollah, Vill. & P.O. Chengail, Howrah. Initially the matter was referred to 4th Industrial Tribunal for adjudication of the issues:-

I S S U E (S)

1. Whether the dismissal of Sahajamol Mollah from service by the management w.e.f. 26.8.2004 is justified?
2. What relief, if any, is the workman entitled to?

Thereafter, the dispute was transferred to 3rd Industrial Tribunal i.e. this tribunal for adjudication vide order no. 540-I.R./IR/7L-01/04(Pt) dt. 6th May,2008. In case no. VIII-135/05 there raised a confusion regarding actual date of dismissal of the workman as he demanded that the actual date of dismissal was 28.6.2004 not 26.8.2004. Accordingly, this Tribunal repeatedly requested the Labour Department to make the Tribunal know the actual date of dismissal of the workman, but as per the Department, the matter was under investigation. On 20.3.2014 this Tribunal passed 'No Dispute Award' and the award was published in the Labour Gazette vide order no. 455-IR/IR/7L-01/04(pt.II) dt. 7th April,2014. The actual date of dismissal was not reflected in the said 'No Dispute Award'. Thereafter, the workman Sahajamol Mollah submitted a prayer with all documents before the Labour Department for referring the said dispute to this Tribunal afresh and the said prayer was allowed by the Labour Department. Accordingly, the matter was referred U/s. 36A of the Industrial Disputes Act to this Tribunal afresh.

This Tribunal received reference and the notices of the Tribunal were served upon the parties who thereafter entered their appearances. In the meantime the workman / petitioner

Cont.....

Sahajamol Mollah expired and accordingly his legal heirs were substituted in his place by order no. 15 dt. 2.1.2017. A talk of settlement was going on between the parties but that was not ultimately materialized. Ultimately the applicants, i.e. the legal heirs of Sahajamol Mollah filed a petition for withdrawal of the instant case as they are not willing to proceed with the matter any further. The Ld. Advocate for the Company has no objection regarding the matter.

Having heard the Ld. Advocates of both the parties and going through the records, it appears that previously the reference was received by the Tribunal alleging that the employee Sahajamol Mollah was dismissed from service on and from 26.8.2004. Previously, upon the basis of hearing, Tribunal sent copies of order sheet to the Labour Department requesting to rectify the typographical mistake on the point that the workman was dismissed from service w.e.f. 28.6.2004 but not from 26.8.2004 as it was mentioned under reference of the concerned Department dt. 22.11.2005. Thereafter, this Tribunal previously passed 'No Dispute Award' dt. 20.3.2014. Now, it further appears that the parties in the instant case did not contest to adduce any evidence to remove any difficulty or doubt as mentioned in Section 36A of Industrial Disputes Act, 1947. On the contrary the applicants do not want to proceed with the case any further. The Company has also no objection to that effect.

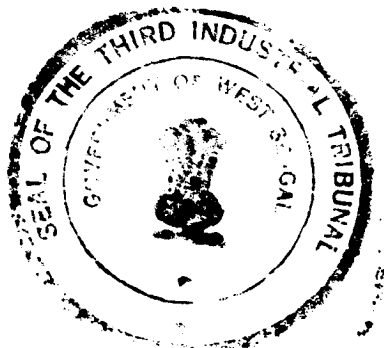
Considering all the facts and circumstances, I am of the opinion that there is no Industrial Dispute between the parties and accordingly I am constrained to hold that this is the case of 'No Dispute'.


The instant reference stands disposed of accordingly.

This is the award of this Tribunal. Let the copies of the Award be sent to the Labour Department, Government of West Bengal.

Dictated & corrected by me.


Judge.




(Suberthi Sarkar)
Judge,
Third Industrial Tribunal,
Kolkata - 1
16th April, 2019