

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

N.S. Buildings, 12<sup>th</sup> Floor  
1, K.S. Roy Road, Kolkata - 700001

No. Labr/ 597/(LC-IR)/11L-64/13

Date : 26.06.2019

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. 658 - IR/11L-64/13 dated 21.05.14 the Industrial Dispute between M/s Five Star Logistics Pvt. Ltd. (Ranichak, Haldia) under the management of M/s Renuka Sugar Ltd., Vill & P.O. Debhog, City Center, Dist. Purba Medinipur and their employee Sri Ramapada 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

No. Labr/ 597/(LC-IR)

Date : 26.06.2019

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

1. M/s Five Star Logistics Pvt. Ltd. (Ranichak, Haldia) under the management of M/s Renuka Sugar Ltd., Vill & P.O. Debhog, City Center, Dist. Purba Medinipur.
2. Sri Ramapada 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, 11<sup>th</sup> 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

Date : 26.06.2019

No. Labr/ 597/2(2)/(LC-IR)

Copy forwarded for information to :

1. The Judge, Eighth Industrial Tribunal, West Bengal with reference to his Memo No. 723 - L.T. dated 12.06.19.
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. Five Star Logistics Pvt. Ltd. (Ranichak, Haldia) under the Management of M/s. Renuka Sugar Ltd., Vill & P.O. Debhog, City Center, Dist. Purba Medinipur and Sri Ramapada Bag, Vill. Mahatma Gandhi Nagar, P.O. Hatiberia, P.S. Haldia, Purba Medinipur, Pin - 721657 referred to this Tribunal vide G.O.No. 658-IR/IR/11L-64/13 dated 21.05.2014.

(Case No.VIII-54/14)

BEFORE THE JUDGE, EIGHTH INDUSTRIAL TRIBUNAL,  
KOLKATA.

Present

SRI MADHUSUDAN DUTTA, JUDGE,

Eighth Industrial Tribunal

**A W A R D**

This industrial dispute between M/S Five Star Logistics Pvt. Ltd. (Ranichak, Haldia) under the Management of M/S Renuka Sugar Ltd., Vill & P.O. Debhog, City Center, Dist. Purba Medinipur and Sri Ramapada Bag, Vill. Mahatma Gandhi Nagar, P.O. Hatiberia, P.S. Haldia, Purba Medinipur, Pin - 721657 has been referred by the Govt. of West Bengal, Labour Department vide Order No. 658-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 employment of Sri Ramapada Bag by M/S Enterprising Engineers (M/S Five Star Logistics Pvt. Ltd.) under the Management of M/S Renuka Sugar Ltd. w.e.f. 11-12-2011 was justified?
2. What relief, if any, he is entitled to?

Today is fixed for filing List of Documents by the parties.

None appears on behalf of either of the parties or takes any steps. Ld. Lawyer of O.P. M/S Renuka Sugar Ltd. is present. On repeated calls none appears on behalf of the applicant Sri Ramapada Bag.

Record reveals that the applicant absented himself from 27.04.2018. Vide order No. 48 dated 24.05.2018 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. 12.06.2018 the applicant represented through his Ld. Lawyer, who filed a petition praying for time to file reply of show cause notice. The date was adjourned to

26.06.2018 for reply of show cause by the applicant. On 26.06.2018 again petition was filed on behalf of the applicant praying for time to file show cause. As the date was fixed to 11.07.2018 for reply of show cause by the applicant. But since then as many as 17 (Seventeen) adjournments were given but no step was taken on behalf of the applicant.

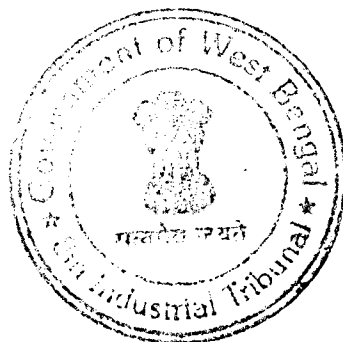
From the conduct of the applicant and as this adjudication is pending from 2014, I am persuaded to safely presume that he is no more interested to proceed with this adjudication and further adjournment will be nothing but abuse of Tribunal's process and time.

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  
Judge.



Sd/- Madhu Sudan Dutta  
Judge,  
Eighth Industrial Tribunal  
Kolkata  
11.06.2019