

I/52051/2019

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

No. *Labr. 1.629.1 (LC-IR)*Date : *04/07/2019***ORDER**

WHEREAS an industrial dispute existed between M/S Hindustan National Glass & Industries Limited, 2, Panchu Gopal Bhadury Sarani, Rishra, Hoogly, and their workman, Sri Rajesh Kumar Pandey, 27/A/32, K.L. Goswami Sarani, Mahesh, Hoogly regarding the issue, being a matter specified in the Second schedule to the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application under section 10(1B)(d) of the Industrial Dispute Act, 1947 (14 of 1947) to the Judge, Third Industrial Tribunal specified for this purpose under this Deptt.'s Notification No. 101-IR, Ir/12L-14/11 dated 02/02/2012.

AND WHEREAS, the Judge of the said 3rd Industrial Tribunal heard the parties under section 10(1B)(d) of the I.D. Act, 1947 (14 of 1947) and framed the following issue dismissal of the workman as the "issue" of the dispute.

ISSUE

1. Is the instant case maintainable in law and in its present form?
2. Is there any relationship of employer and employee between the parties?
3. Whether the termination of service of the applicant by the company/O.P. is justified, legal and valid?
4. What other relief or reliefs is there to which the applicant is entitled to?

AND WHEREAS the said Judge Third Industrial Tribunal has submitted to the State Government its Award under section 10(1B)(d) of the I.D. Act, 1947 (14 of 1947) 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

W/52051/2019

No. Labr/629/1(5)/(LC-IR)Date 04/07/2019

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

1. M/s Hindustan National Glass & Industries Limited, 2, Panchu Gopal Bhadury Sarani, Rishra, Hoogly .
2. Sri Rajesh Kumar Pandey, 27/A/32, K.L. Goswami Sarani, Mahesh, Hoogly.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The Labour Commissioner, W.B., New Secretariat Buildings, (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.



Deputy Secretary

No. Labr/629/2(2)/(LC-IR)Date 04/07/2019

Copy forwarded for information to :-

1. The Judge, Third Industrial Tribunal , West Bengal, with respect to his Memo No. 696-LT dated 07/06/2019 .
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. Hindusthan National Glass & Industries Limited, 2, Panchu Gopal Bhadury Sarani, Rishra, District-Hooghly and their workman, Sri Rajesh Kumar Pandey, residing at 27/A/32, K.L. Goswami Sarani, Mahesh, District-Hooghly referred before this Tribunal.

Case No. 02/2013 U/s. 10(1B) (d)

BEFORE THE THIRD INDUSTRIAL TRIBUNAL: WEST BENGAL

PRESENT

SRI SUBERTHI SARKAR, JUDGE, THIRD INDUSTRIAL TRIBUNAL

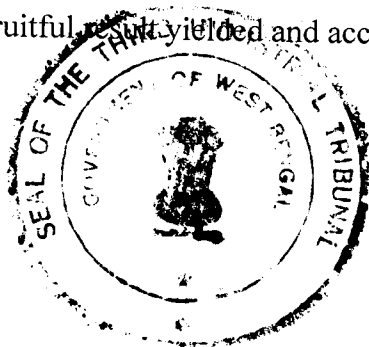
A W A R D Date: 6th June,2019

An Industrial Dispute existed between M/s. Hindusthan National Glass & Industries Ltd., 2, Panchu Gopal Bhadury Sarani, Rishra, District- Hooghly and their workman namely Sri Rajesh Kumar Pandey residing at 27/A/32, K. L. Goswami Sarani, Mahesh, District - Hooghly, West Bengal, in view of the Industrial Disputes Act 1947. Accordingly, the workman filed an application U/s. 10(1B)(d) of the Industrial Disputes Act,1947 before this Tribunal and after hearing the parties, this Tribunal framed the following:

I S S U E (S)

1. Is the instant case maintainable in law and in its present form?
2. Is there any relationship of employer and employee between the parties?
3. Whether the termination of service of the applicant by the company/O.P. is justified, legal and valid?
4. What other relief or reliefs is there to which the applicant is entitled to?

The case of the workman is that he was a car driver engaged by the Opposite Party on a permanent basis to drive the car of the Opposite Party in the year 1995 and worked continuously till his termination of service w.e.f 3.2.2012. He was a victim of the unfair labour practice of the O.P. and he was not issued any appointment letter and had to work for 12 hours in a day. Having highly aggrieved by an unjustified and illegal termination order, the workman protested by making a written representation dt. 16.3.2012 to the Vice-President of the O.P. Company, but the said Opposite party paid no heed to the same. Thereafter, the workman made written representation dt. 13.09.2012 to the Deputy Labour Commissioner, Government of West Bengal, Sreerampore and the matter was placed for conciliation. However no fruitful result yielded and accordingly the workman filed this case directly before this Tribunal.



Cont.....

Notice was issued upon the Company and the later entered its appearance and filed written statement. The case was proceeded. The workman Rajesh Kumar Pandey was examined as P.W.-1. But thereafter he did not turn up. Accordingly, by order no. 83 dt. 18.4.2019 the entire evidence of P.W.-1 has been expunged. Today, also no step was taken on behalf of the workman. None appears for him on repeated calls. Without the active part of the workman, it appears that he is not at all interested to proceed with this case. Under such circumstances I think that either the workman is not interested to proceed with this case or the subject matter of dispute has been settled between the parties.

Accordingly, I am to conclude that this case is liable to be disposed of on the line of conclusion that at present there is "No Dispute" between the parties of this case.


This case is thus disposed of accordingly.

This order may be treated as the award of this Tribunal.

Let the copies of this order be sent to the Government.

Dictated & corrected by me.


Judge.


(Suberthi Sarkar)
Judge, 06/06/19.
Third Industrial Tribunal,
Kolkata - 1
6th June, 2019