

57637/2019

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

No. Labr/ 7.6.1/(LC-IR)/22015(16)/205/2018

Date: 16.08.2019

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. 1144 – IR dated 15.09.2005 the Industrial Dispute between M/s Stone India Limited, 16, Taratolla Road, Kolkata – 700 088 and its workman Sri Dibakar Panigrahi, 3 – B, Mahesh Chowdhury Lane, Kolkata – 700 025 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, Kolkata.

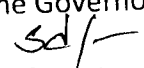
AND WHEREAS the Judge of the said Third Industrial Tribunal, Kolkata, has submitted to the State Government its award on the said Industrial Dispute.

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

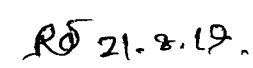
to the Government of West Bengal

No. Labr/ 7.6.1/(5)/(LC-IR)

Date: 16.08.2019

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

1. M/s Stone India Limited, 16, Taratolla Road, Kolkata – 700 088.
2. Sri Dibakar Panigrahi, 3 – B, Mahesh Chowdhury Lane, Kolkata – 700 025.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B. New Secretariat 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

No. Labr/ 7.6.1/(2)/(LC-IR)

Date: 16.08.2019

Copy forwarded for information to :

1. The Judge, Third Industrial Tribunal, Kolkata with reference to his Memo No. 1009 – L.T. dated 29.07.2019.
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. Stone India Limited, 16, Taratolla Road, Kolkata – 700088 and their workman, Sri Dibakar Panigrahi, 3-B, Mahesh Chowdhury Lane, Kolkata – 700025 referred before this Tribunal.

Case No. VIII-93/2005

BEFORE THE THIRD INDUSTRIAL TRIBUNAL: WEST BENGAL

PRESENT

SRI SUBERTHI SARKAR, JUDGE, THIRD INDUSTRIAL TRIBUNAL

A W A R D Date: 25th July,2019

This matter was referred by the Government of West Bengal, Labour Department, Vide G.O. No. 1144-I.R./IR/10L-51/2002 dt. 14 / 15.09.2005 relating to an Industrial Dispute between M/s. Stone India Limited, 16, Taratolla Road, Kolkata – 700088 and their workman, Sri Dibakar Panigrahi, 3-B, Mahesh Chowdhury Lane, Kolkata – 700025 to this Tribunal for adjudication of the following issues: -

I S S U E (S)

1. Whether the dismissal of Shri Dibakar Panigrahi from his services by the management with effect from 31.7.2004 is justified?
2. What relief, if any, is he entitled to?

This reference was received from Government by this Tribunal on 26.09.2005 U/s. 10 read with Section 2A of the Industrial Disputes Act,1947, wherein the petitioner/workman Shri Dibakar Panigrahi alleged that he was an employee of the O.P./Company in the post of 'Cook' since 01.09.1979 in the canteen situated in the factory premises of the Company, later being engaged in the manufacturing of railway parts and other engineering goods. The management by letter no. STL/TKPR/3/99 dt. 24.08.1999 passed an order of changing designation and informed that the management re-designated the workman as 'Cook-cum-Stores Assistant' (Grade – 'IV') with immediate effect. By virtue of such order, the workman had to do the independent charge including the steps for the purpose of supply of food to the staffs including tea on being satisfied by the sample being provided by the supplier. Suddenly by a letter dt. 29.02.2000 the workman was put in suspension upon vague allegation regarding grave misconduct. The workman submitted his reply against the disciplinary action denying all the allegation levelled against him. It is contended by the workman that the said enquiry was unfair and the findings of the Enquiry Officer was perverse. Accordingly, the workman moved to the Labour Commissioner stating that it is a case of refusal of employment which amounts to termination of service. The workman filed an application before the Ld. 2nd Labour Court and the Management appearing there, denied any termination of service. The said proceeding before the Ld. 2nd Labour Court remained static due

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to absence of Presiding Judge. However, the workman was getting subsistence allowance. After long days, the management issued the dismissal letter dt. 31.07.2004 dismissing the workman from employment. The workman thus filed an application to the Labour Court. Upon holding conciliation and getting report from the Conciliation Officer the appropriate Government, in due exercise of the power conferred U/s. 10 read with Section 2A of the Industrial Disputes Act, referred the matter for disposal to this Tribunal.

After receiving the reference summons were issued to both the sides and the Company entered its appearance and filed written statement. A prayer for interim relief was proceeded and evidence was taken. By Order No. 161 dt. 28.09.2018 the matter relating to validity of Domestic Enquiry was disposed of by the Tribunal and the case was directed to be heard on merit. However, the parties of this case were absent since then. The workman was directed to show cause for several times. The case was fixed for hearing on merit, but both the parties remained absent for all the past dates. On 11.12.2018, 09.01.2019, 14.03.2019, 09.04.2019 and all the subsequent dates nobody appears on behalf of either of the parties. Nobody also took any step. Neither the parties nor their Ld. Advocates appeared for further proceedings with this case in accordance with law. Sufficient opportunity was given to the parties to proceed with the final hearing of this case, but to no good. Today also neither of the parties appeared before this Tribunal after repeated outside calls.

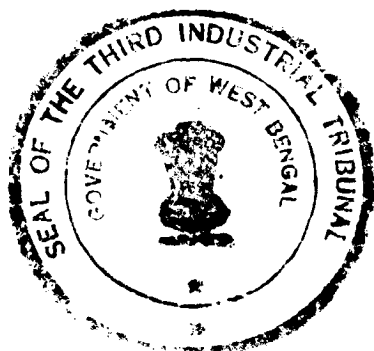
After going through the materials on record and considering the present position, I am compelled to come to a conclusion that the parties are not interested to proceed with this case in accordance with law. So, it may be a fact that either they have lost their interest in this case or it may be a fact that the matter has been settled between them. In such a position, I have no other alternative but to conclude that let this case be disposed of on the line of decision that there exists no dispute between the parties at present.

This order may be treated as “No Dispute Award” passed by this Tribunal between the parties.

Thus, this case is disposed of accordingly. 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
25-07-2019