

18043/2019

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./774/(LC-IR)/11L-12/18

Date 20-08-2019

**ORDER**

WHEREAS an industrial dispute existed between M/s First Flight Couriers Ltd., IB-192, Salt Lake, Sector-III, Kolkata - 700 106 and their workman Sri Ram Naresh Singh, 96, Dolui Para, P.O. - Makhla, Hooghly, Pin - 712 245 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,

Deputy Secretary  
to the Government of West Bengal


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(2)

No. Labr/774/1(2) - IRDate : 20-08-2019

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 1005 - L.T. dated 26.07.2019.
2. The Joint Labour Commissioner (Statics), W.B., 6, Church Lane, Kolkata-700001.

  
Deputy Secretary
No. Labr/774/2(5) - IRDate : 20-08-2019

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

1. M/s First Flight Couriers Ltd., IB-192, Salt Lake, Sector-III, Kolkata - 700 106.
2. Sri Ram Naresh Singh, 96, Dolui Para, P.O. - Makhla, Hooghly, Pin - 712 245.
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 (11<sup>th</sup> 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

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

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

**CASE NO. 38/2016**

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

**Shri Ram Naresh Singh**  
96, Dolui Para, P.O.-Makhla, Hooghly,  
PIN-712245.

...Applicant

*-Versus-*

**M/s. First Flight Couriers Ltd.,**  
IB-192, Salt Lake, Sector-III, Kolkata – 700 106.

...OP/Company

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**A W A R D**

*Dated : 26-07-2019.*

Applicant/workman is present through his Ld. Advocate.

Today is fixed for passing ex-parte order / Award.

Case record is taken up for passing ex-parte order / Award.

This case has been initiated on receiving of an application dated 21.11.2016 under Section 2A(2) of the Industrial Disputes Act, 1947, as amended, along with list of documents from the applicant Shri Ram Naresh Singh against his employer M/s. First Flight Couriers Ltd. in connection with termination of his service by the management / Employer w.e.f. 05.05.2016 seeking order declaring that such termination is illegal, unjustified and against the principles of natural justice, with a further prayer for passing an Award directing his employer to reinstate him in his service with full back wages and consequential benefits.

OP/Company after service of notice, entered appearance and filed written statement on 29.08.2017. It appears from the record that the OP/Company stopped taking steps on and from 27.07.2018 and ultimately on 09.10.2018 the case was taken for **ex-parte hearing**.

**FINDINGS**

In order to prove his case, the applicant Shri Ram Naresh Singh has examined himself as PW-1 and proved photocopies of some documents, which are marked as Exhibits - 1 to 8. PW-1 has adduced evidence corroborating his case. On perusal of

the unchallenged oral testimony of PW-1 and the exhibited documents, I am of the view that the applicant's case has been proved by his ex-parte evidence. There is nothing to disbelieve the unchallenged oral testimony of the applicant (PW-1), which has duly been corroborated by the exhibited documents. Therefore, I have no other alternative but to hold that the applicant namely, Shri Ram Naresh Singh is a workman as defined in Section 2(s) of the Industrial Disputes Act, 1947 and the termination of his service by the management of M/s. First Flight Couriers Ltd. w.e.f. 05.05.2016 is unjustified and against the principles of natural justice. Consequently, the workman is entitled to get the relief as prayed for.

**In the result, the case succeeds ex-parte.**

Hence, it is,

**O r d e r e d**

That the case being No. 38 of 2016 under Section 2A(2) of the Industrial Disputes Act, 1947 be and the same is allowed ex-parte against O.P. – M/s. First Flight Couriers Ltd. without cost.

The OP/Company namely, M/s. First Flight Couriers Ltd. is hereby directed to reinstate the applicant / workman namely, Sri Ram Naresh Singh immediately and is also directed to pay him 50 per cent back wages along with all consequential benefits from the date of termination of service i.e. with effect from 05.05.2016 till today.

The OP/Company is further directed to comply with the Award within a period of 90 days from the date of this Award, in default, the OP/Company has to pay interest at the rate of 10% till the realization of the entire due amount, failing which the applicant/workman will be at liberty to put the Award in execution as per law.

This is my Award.

Dictated & corrected by me

sd/-

Judge

*Judge*

*Seventh Industrial Tribunal*



sd/-

(ASHIS KUMAR DAS)

Judge,

Seventh Industrial Tribunal,

Kolkata

26/07/2019

*Judge*

*Seventh Industrial Tribunal*