

**File No.LABR-22015(16)/536/2018-IR SEC-Dept. of LABOUR  
Government of West Bengal  
Labour Department  
I.R. Branch  
N.S.Bldgs., 12<sup>th</sup> Floor  
1, K.S.Roy Road, Kol – 1**

**No.Labr./802/(LC-IR)**

**Dated, Kolkata, 11.10.18.**

**ORDER**

WHEREAS an industrial dispute existed between M/s. Bata India Limited, 6A, S.N. Banerjee Road, Kolkata-700013 and Shri Tapas Sarkar, Son of Late Ananta Sarkar, K.M. Building, Mallick Bagan, P.O. Batanagar, Kol-711 140 regarding the issue, being a matter specified in the 2nd Schedule to the Industrial Disputes 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, Seventh Industrial Tribunal, Kolkata specified for this purpose under this Deptt.'s Notification No.1085-IR/12L-9/95 dtd.25.07.1997.

AND WHEREAS, the Judge of the said Seventh Industrial Tribunal heard the parties under section 10(1B)(d) of the I.D. Act,1947(14 of 1947).

And WHEREAS the said Judge, Seventh Industrial Tribunal, Kolkata, 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.**

**(Contd... 2 )**

**FILE No. LABR-22015(16)/536/2018-IR SEC-Dept. of LABOUR**

**No.Labr./802/1(5)(LC-IR)**

**Dated, 11.10.18.**

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

1. M/S Bata India Limited, 6A, S.N. Banerjee Road, Kol-13.
2. Shri Tapas Sarkar, S/o Late Ananta Sarkar, K.M. Building, Mallick Bagan, P.O. Batanagar, Kolkata-711 140.
3. The Deputy Labour Commissioner, W.B. In-Charge, Labour Gazette, 6, Church Lane, 4<sup>th</sup> Floor, Kolkata-700 001.
4. The Labour Commissioner, W.B., N.S. Bldgs,(11<sup>th</sup> Floor), 1, K.S. Roy Road, Kol-1.
- ✓ 5. The O.S.D., IT Cell, Labour Deptt., with the request to cast the Award in the Department's website.



**Deputy Secretary**

**Dated, 11.10.18.**

**No.Labr./802/2(2)(LC-IR)**

Copy forwarded for information to :-

1. The Judge, Seventh Industrial Tribunal, Kolkata, with respect to his Memo No.1437-L.T. dtd.13.07.2018.
2. The Joint Labour Commissioner(Statistics), West Bengal, 6, Church Lane, Kolkata-700001.

**Deputy Secretary**

Jnt/order

  
12/10/18

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

**P R E S E N T :**

**Shri Avani Pal Singh, Judge, Seventh Industrial Tribunal**

**Case No. 08/2014; under Section 10 (1B) (d) of the I.D. Act, 1947**

Sri Tapas Sarkar, S/o. Late Ananta Sarkar,  
K.M. Building, Mallick Bagan, P.O. Batanagar,  
Kolkata – 711 140.

...Applicant.

-versus-

M/s. Bata India Limited, 6A, S.N. Banerjee Road,  
Kolkata-700013.

....O.P./Company.

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**A W A R D**

**Dated : 11-07-2018**

None appears on behalf of either party on repeated calls. Today is fixed for steps by the parties, as final opportunity and in default, for proceedings under Rule 22 of the West Bengal Industrial Dispute Rules, 1958 and further order(s).

Records reveal that the applicant Tapas Sarkar raised the instant Industrial Dispute by filing an application under Section 10(1B)(d) of the Industrial Disputes Act, 1947 on 27.02.2014, on the grounds stated therein, against his employer M/s. Bata India Ltd., referred to as the OP/Company hereinafter, in connection with the termination of his employment, with prayers for reinstatement with full back wages and consequential benefits, upon which the instant case was registered on 27.02.2014 and notice in prescribed Form, together with a copy of such application was despatched by registered post with A/D to the OP/Company at its given address, directing it to appear and file written statement on the next date fixed.

On 01.04.2014, the OP/Company appeared through their Ld. Advocate and, on their prayers, were granted more time to file their written statement, which came to be filed on 02.07.2014 and thereafter, the parties having exchanged copies of documents that they sought to rely on, this Tribunal framed the Issues on 24.03.2015, with an additional Issue being framed on 13.05.2015. It further reveals that on 15.10.2015 the applicant led evidence as PW-1 and the matter was adjourned for cross-examination by the OP/Company, however for one reason or the other, the matter kept getting adjourned on subsequent dates and the PW-1 never got cross-examined in the matter.

sd/-



Contd....P/2.

(2)

Records further reveal that on 27.02.2018 the applicant filed a verified petition stating that he did not intend to proceed with the instant case any further, on the grounds stated therein, however, the petition never came to be heard or determined on any date thereafter as the parties stopped appearing before this Tribunal. Today is the third consecutive date that neither of the parties has appeared, and clearly the conduct of the parties indicates that the Industrial Dispute between them has ceased and they have abandoned this case and this is a fit case for proceeding under Rule 22 of the West Bengal Industrial Dispute Rules, 1958.

Accordingly, and in terms of Rule 22 of the West Bengal Industrial Dispute Rules, 1958 as amended till date, this Tribunal holds that the instant industrial dispute being Case No.08/10(1B)(d)/2014, instituted on 26.08.2016 is **no longer in existence, between the parties.**

The aforesaid constitutes the **No Dispute Award** passed by this Tribunal in the instant Case No.08/ 10(1B) (d)/ 2014, which stands disposed of forthwith.

Dictated & corrected by me.

*sd/*  
Judge.

*Seventh Industrial Tribunal*

*sd/*  
Judge

Seventh Industrial Tribunal  
Kolkata  
11-07-2018

*Judge*  
*Seventh Industrial Tribunal*

