

I/61274/2019

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

N.S. Buildings, 12th Floor, 1, K.S. Roy Road, Kolkata - 700001

No. Labr/ 849/(LC-IR)/11L-21/2018

Date : 12/09/2019

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. Labr./398/(LC-IR)/11L-21/18 dated 06.06.18 the Industrial Dispute between M/s Ota Falloons Forwarders Pvt. Ltd., 19, R. N. Mukherjee Road, Kolkata – 700 001 and their workmen represented by Sri Goutam Banerjee, C/o Late Abhoy Pada Banerjee, Vill. Bhaira, P.O. Beloon, P.S. Pandua, Dist. Hooghly, Pin – 712149 regarding the issues mentioned in the said order, being a matter specified in the Third Schedule to the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Judge, Seventh Industrial Tribunal, Kolkata and transferred to Fifth Industrial Tribunal vide G.O. No. Labr/699/(LC-IR)/23099/15/2019 dated 26.07.19.

AND WHEREAS the Judge of the said Fifth 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,

sd/

Deputy Secretary

to the Government of West Bengal

Date : 12/09/2019

No. Labr/849/1(5)/(LC-IR)

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

1. M/s Ota Falloons Forwarders Pvt. Ltd., 19, R. N. Mukherjee Road, Kolkata – 700 001.
2. Sri Goutam Banerjee, C/o Late Abhoy Pada Banerjee, Vill.- Bhaira, P.O.- Beloon, P.S.- Pandua, Dist.- Hooghly, Pin – 712149.
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.

RO 12.9.19
Deputy Secretary

No. Labr/849/2(2)/(LC-IR)

Date : 12/09/2019

Copy forwarded for information to :

1. The Judge, Fifth Industrial Tribunal, Kolkata with reference to his Memo No. 1088 – L.T. dated 09.08.2019.
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. Ota Falloons Forwarders Pvt. Ltd., 19, R. N. Mukherjee Road, Kolkata – 700 001 and their workmen represented by Sri Goutam Banerjee, C/o. Late Abhoy Pada Banerjee, Vill. – Bhaira, P.O. – Beloon, P.S. – Pandua, Dist. – Hooghly, PIN. – 712149.

(Case No. VIII – 12/2018)



BEFORE THE FIFTH INDUSTRIAL TRIBUNAL: WEST BENGAL

P R E S E N T

SRI TAPAN KUMAR DAS, JUDGE

5th Industrial Tribunal, Kolkata.

(Dated 8th August, 2019)

A W A R D

In the matter of an industrial dispute between M/s. Ota Falloons Forwarders Pvt. Ltd., 19, R. N. Mukherjee Road, Kolkata – 700 001 and their workmen represented by Sri Goutam Banerjee, C/o. Late Abhoy Pada Banerjee, Vill. – Bhaira, P.O. – Beloon, P.S. – Pandua, Dist. – Hooghly, PIN. – 712149 was referred to 7th Industrial Tribunal vide G.O. No. Labr./398/(LC-IR)/IR/11L-21/18 dated 06.06.2018 and subsequently transferred to 5th Industrial Tribunal vide G.O. No. Labr./699/(LC-IR)/23099/15/2019 dated 26.07.2019 for adjudication under Section 10 of Industrial Disputes Act, 1947 upon the following issues :-

I S S U E S

1. Whether the decision of management of M/s. Ota Falloons Forwarders Pvt. Ltd. of stopping the increment of workmen is justified ?
2. What relief, if any, the workmen are entitled to?

This reference case record has been received from 7th Industrial Tribunal under G.O. No. Labr./699/(LC-IR)/23099/15/2019 dated 26.07.2019 by the Labour Department, Government of West Bengal for disposal of the case. The workman Goutam Banerjee representative of other workmen including himself is present in person today before this Tribunal. A verified application has been filed on behalf of the workmen by the Ld. Advocate Sri Anuj Kumar Mishra. Copy of the petition has been served upon the Ld. Advocate for the management. In the instant application

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the workman has stated that he does not want to proceed with the case because of the fact that the issue involved in the case has become infructuous as he is no more in the employment of the company at present. So, he prays for an order to that effect.

The main issue of the reference is as to whether the decision of the management of M/s. Ota Falloons Forwarders Pvt. Ltd. of stopping the increment of workmen is justified? The workman has submitted on dock that as he is no more in the service and as another case is pending in another Tribunal regarding the termination of service, so the present case become infructuous and he does not want to proceed with the same.

Considering the above facts and circumstances and having regard to the submission of the workman himself, I have no hesitation to come to the conclusion that both the parties are not interested to proceed with the case and so it can safely be said that there is no dispute existing at present between the parties and therefore, the case is liable to be disposed of by passing final order in the form of 'No Dispute Award'.

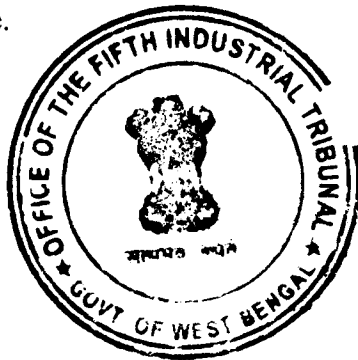
Hence, it is ordered,

The industrial dispute under reference No. Labr./398/(LC-IR)/IR/11L-21/18 dated 06.06.2018 and Labr./699/(LC-IR)/23099/15/2019 dated 26.07.2019 is no longer in existence and accordingly, the case is closed and this order is to be treated as 'No Dispute Award' between the parties.

This is my AWARD.

Dictated & corrected by me.

Sd/—
Judge.



Sd/—
(Tapan Kumar Das)
Judge
Fifth Industrial Tribunal
Kolkata
08.08.2019