

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

No. Labr/900/(LC-IR)

Date ...24...09...19...

ORDER

WHEREAS an industrial dispute existed between M/S. Bally Jute Company Ltd., 5, Sricharan Sarani, Bally, Howrah-711201, Kolkata-1 and their workman Sri Sudip Bera, C/o. J.K. Pandey 27/2, Goswami Para Road, PO & PS- Bally, Howrah-711201 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, Second Industrial Tribunal Specified for this purpose under this Department Notification No. 101-IR dated 2.2.12;

AND WHEREAS the said Judge, Second 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

I/63473/2019

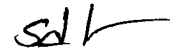
(2)

No. ~~Labr/901~~ /1(2) - IR

Dated ...24...09...19

Copy forwarded for information to :

1. The Judge, Second Industrial Tribunal with reference to his Memo No. 1150-LT dated 26/08/2019.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.



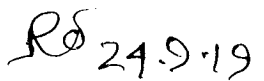
Deputy Secretary

No. ~~Labr/901~~ /2(5) - IR

Dated ...24...09...19

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

1. M/S. Bally Jute Company Ltd., 5, Sricharan Sarani, Bally, Howrah-711201 .
2. Sri Sudip Bera, C/o. J.K. Pandey 27/2, Goswami Para Road, PO & PS- Bally , Howrah-711201 .
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 (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

In the matter of an industrial dispute between M/s. Bally Jute Company Ltd., 5, Sricharan Sarani, Bally in Howrah – 711201 and their workman Sri Sudip Bera, C/o. J.K. Pandey and others, 27/2, Goswami Para Road, P.O. & P.S. Balley in Howrah-711201. (Case No. 01/2015 (U/s. 2A(2))

BEFORE THE SECOND INDUSTRIAL TRIBUNAL: WEST BENGAL

PRESENT: SHRI SRIBASHJ CHANDRA DAS, JUDGE,

SECOND INDUSTRIAL TRIBUNAL, KOLKATA

Date of passing award – 31.07.2019

A W A R D

It is a case U/s. 2a(2) of the Industrial Disputes Act, 1947 filed by Sudip Bera, C/o. J.K. Pandey and others, 27/2, Goswami Para Road, P.O. & P.S. Balley in Howrah-711201 against the management of the company M/s. Bally Jute Company Ltd., 5, Sricharan Sarani, Bally in Howrah – 711201. By filing this case the workman Sudip Bera has prayed for reinstatement in his service with consequential benefits and also to pass any other order as relief as may be necessary and as grounds for grant of this relief it has been stated that he joined the company in January, 1994 and had been continuing with his service under the company without any blemish-record till the date of his termination by way of refusal of employment by the management of the company. It is also stated that the charges against him were nothing but surmise and conjecture and he was dismissed from service and at that time he used to draw a salary of Rs. 378/- per day and he was also not given any subsistence allowance by the management of the company during domestic enquiry proceeding. He also stated that he is the only earning member of his family. Workman also filed a separate petition for grant of interim relief U/s. 15(2)(b) of the Industrial Disputes Act, 1947 as amended by State of West Bengal.

After getting notice management of the company entered into appearance and filed written statement raising legal technicalities such as non-compliance of the provisions of law U/s. 10(1B)(d) of the Industrial Disputes Act, 1947 and appropriate government has not framed rules for the law U/s. 2A(2) of the Industrial Disputes Act, 1947 etc. It is also stated that the workman was engaged as budly worker in the factory mechanic department and on 16.06.2013 at about 06.10 a.m. he entered inside the labour office and manhandled Mr. Monoj Rai, the Assistant Personnel Manager of the company and also caused damage to the company by breaking table-glass, chair etc. and then he was charge-sheeted on 16.06.2013 for his misconduct and accordingly domestic enquiry was conducted against him and Sudip Bera was found guilty and after giving him an opportunity on the findings of enquiry report, he was dismissed from service by letter of company dt. 09.01.2014.

After framing of issues, the petition for interim relief U/s. 15(2)(b) of the Industrial Disputes Act, 1947 was fixed for hearing but the workman Sudip Bera started becoming absent without any step and on 11.10.2017 the workman was directed to show cause mentioning

Contd. Page ...2


as to why no dispute award would be passed due to his long absence without any step. The case record further shows that even after that both sides started becoming absent and such remaining of absence by both sides is found to have continued from 17.01.2018 to till date. The case record further shows that in compliance with the principles of natural justice the workman Sudip Bera was directed to show cause in writing mentioning as to why necessary order would not be passed due to his unauthorised absence for long. Order dt. 19.07.2019 shows that the show cause notice that was issued as per order on 20.06.2019 was received by a family member of Sudip Bera as has been reported by process server Sri Md. Osman dt. 17.07.2019 on the reverse side of the copy of that show cause notice and then case was fixed for passing necessary order, yet it is found from record that both sides became absent without any step. Thus, both parties have failed to appear and as a result the law requires that a suitable report is to be submitted to the State Government. It is therefore,

ORDERED.

that the case be, and the same is, dismissed on the footing that the industrial dispute arising out of this case is no longer in existence under rule 22 of the West Bengal Industrial Disputes Rule, 1958, and this is to be treated as an award by this Tribunal. Let necessary number of copies of this Award be prepared and send to the Additional Chief Secretary to the Government of West Bengal, Labour Department, 12th Floor, N.S. Buildings, 1, K.S. Roy Road, Kolkata – 700001 as required by law.

Dictated & corrected by me.

Judge


(Sribash Ch. Das)
Judge
2nd Industrial Tribunal
31.07.2019