

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

No. Labr/ 693. ./ (LC-IR)

Date ...11-09-18.

ORDER

WHEREAS an industrial dispute existed between M/S Vishwamitra Multi Developers Limited, 3rd Floor, 5, Mangoe Lane, Kolkata-700001 and their workmen Rumi Singh and 6 (six) others, 3/3B, Netaji Nagar, Meghna Apartment, Kolkata- 700 040 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

No. Labr./693/1(2) - IR

Dated ...11.09.18

Copy forwarded for information to :

- 1.The Judge, Seventh Industrial Tribunal with reference to his Memo No. 1497-LT dated 20.07.2018.
- 2.The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.



Deputy Secretary

No. Labr./693/2(5) - IR

Dated ...11.09.18

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

1. M/S Vishwamitra Multi Developers Limited, 3rd Floor, 5, Mangoe Lane, Kolkata-700001 .
2. Rumi Singh and 6 (six) others, 3/3B, Netaji Nagar, Meghna Apartment, Kolkata- 700 040.
3. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
4. The 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 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. 02/2016; u/s. 2A(2) of the I.D. Act, 1947

Industrial Dispute :

Between _:

Rumi Singh and 6 (six) Others, 3/3B, Netaji Nagar,
Meghna Apartment, Kolkata – 700 040.

.....Applicant.

- A n d -

M/s. Vishwamitra Multi Developers Limited,
3rd Floor, 5, Mangoe Lane, Kolkata – 700001.

....O.P./Company.

A W A R D

Dated : 17-07-2018

None appears on repeated calls on behalf of the workmen. Today is fixed for ex-parte hearing, as final opportunity to the applicants..

Records reveal that on an application dated 04.01.2016 u/S. 2A(2) of the Industrial Disputes Act, 1947, together with a list of documents annexed thereto, being filed by Rumi Singh and 6 (six) other applicants, all of 3/3B, Netaji Nagar, Meghna Apartment, Kolkata – 700040, against their employer M/s. Vishwamitra Multi Developers Limited, 3rd Floor, 5, Mangoe Lane, Kolkata – 700001 in connection with the termination of their services by such employer, the instant case came to be registered on 04.01.2016. On the same date, notices along with copy of such application were issued by registered post (with A.D.) to the OP/Company at the given address, directing it to appear before the Tribunal on 19.02.2016 and file their written-statement(s) in reply to such application. On 19.02.2016, the sealed envelope containing the summon/notice sent to the OP/Company was received back at the Tribunal, undelivered and with a postal endorsement “**unclaimed**”, and holding it to be good service, this Tribunal directed that the matter shall proceed ex-parte against such employer/ OP-Company.

Record further reveal that on 24.05.2016, the applicants filed affidavits-in-chief of Pradip Rai, Siddhartha Goswami, Susanta Kar, Amod Kumar Jha, Niku Kumar Pandey and Kunal Das, however, none of such affidavits-in-chief were tendered into evidence on any date subsequently. Records also reveal that the affidavit-in-chief of Rumi Singh has never been filed in this case till date.

It further reveals that on innumerable dates, over around two years thereafter, the matter had been fixed granting opportunity to the applicant(s) to lead their ex-parte evidence, but to no avail. Accordingly, on the last date i.e. **04.06.2018**, this Tribunal had granted one **final opportunity** to the applicants to lead evidence today, however no one has even appeared on their behalf. Clearly, the conduct of the applicants of remaining absent over numerous dates without due intimation or for any reasonable cause, clearly indicates that the parties have abandoned the instant case and the industrial dispute raised by them has ceased to exist and accordingly this is a fit case for this Tribunal to proceed under Section 22 of the West Bengal Industrial Dispute Rules, 1958.

sd/-

(2)

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.02/2A(2)/2016, instituted on 04.01.2016 is **no longer in existence, between the parties.**

The aforesaid constitutes the **No Dispute Award** passed by this Tribunal in the instant Case No.02/2A(2)/2016, which stands disposed of forthwith.

Dictated & corrected by me.

sdt
Judge.

~~Seventh Industrial Tribunal~~



sdt
Judge

Seventh Industrial Tribunal
Kolkata

17-07-2018

Judge
~~Seventh Industrial Tribunal~~