

File No.LABR-22015(16)/276/2018-IR SEC-Dept. of LABOUR
1/33645/2018

Government of West Bengal
Labour Department (I. R. Branch)
N.S.Buildings, 12th floor
1, K.S.Roy Road, Kol-1

No.Labr/1004/(LC-IR) _____
IR/11L-106/15

Dated, 24.12.18.

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. 1135-IR Dated 16.11.2015 the Industrial Dispute between Messrs. A.N. Pharmacia Laboratories Pvt. Ltd., 108, Bangur Avenue, Block-D, Kolkata-700 055 and West Bengal Medical and Sales Representatives' Union, 5, Sarat Ghosh Street, Kolkata-700 014 regarding the issue mentioned in the said order, being a matter specified in the Third Schedule to the Industrial Disputes Act, 1947 (14 of 1947), was referred for adjudication to the Judge, 7th Industrial Tribunal, Kolkata, West Bengal.

AND WHEREAS the Judge of the said 7th Industrial Tribunal, West Bengal, 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 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/1004/1(5)/(LC-IR)

Dated, 24.12.18.

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

1. M/s A.N. Pharmacia Laboratories Pvt. Ltd., 108, Bangur Avenue, Block-D, Kolkata-700 055
2. The Secretary, West Bengal Medical and Sales Representatives' Union, 5, Sarat Ghosh Street, Kolkata-700 014.
3. The Assistant Labour Commissioner, West Bengal In-Charge, Labour Gazettee.
4. The Labour Commissioner, West Bengal, New Secretariat Buildings, (11th floor), 1, K. S. Roy Road, Kolkata-700 001.
- ✓ 5. The O.S.D., IT Cell, Labour Deptt., with the request to cast the Award in the Department's website.



Deputy Secretary to the
Govt. of West Bengal

No.Labr/1004/2(2)/(LC-IR)

Dated, 24.12.18.

Copy forwarded for information to :-

1. The Judge, Seventh Industrial Tribunal, West Bengal, with reference to his Memo No.2080-L.T. dtd. 11.10.18.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata-700 001.

**Deputy Secretary to the
Govt. of West Bengal**


24/12/18 JNT/ORDER

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

Present : Sri Avani Pal Singh,
Judge, Seventh Industrial Tribunal, West Bengal.

Case No.VIII-45/2015

[Vide an Order of Reference No. Labr./1135-IR/IR/11L-106/15 dated 16.11.2015]

West Bengal Medical and Sales Representatives' Union,
5, Sarat Ghosh Street, Kolkata-700014. **...Workmen/Union**

Versus

M/s. A.N. Pharmacia Laboratories Pvt. Ltd.,
108, Bangur Avenue, Block-D, Kolkata-700055. **.....OP/Company**

I s s u e (s)

1. Whether the management is justified in retiring Shri Ashok Kumar Basu on attaining the age of 58 years on 26.10.2013 ?
2. What relief, if any, is the workman entitled to as per law and equity ?

A W A R D

Dated : 28-09-2018

None appears on repeated calls. Today is fixed for filing show-cause by the union, failing which for necessary order(s). No show-cause has been filed either.

Records reveal that the instant case arose from an Order of Reference, being No. 1135-IR/IR/11L-106/15 dated 16.11.2015 issued by the Government of West Bengal, for adjudication of an Industrial Dispute, involving the Issues mentioned therein, between the parties named hereinabove.

The instant case came to be registered on 08.01.2016, on receipt of the aforesaid Reference, and accordingly notices were issued upon the parties named in the Reference at their given addresses, through registered post with A/D with the direction upon them to appear on 18.02.2016 before this Tribunal. Records further reveal that both the union as well as the OP/Company duly appeared through their Ld. Advocates and filed their respective statements as well as list of documents, and upon the parties exchanging copies of such documents, the matter came to be fixed for evidence on 02.05.2017. However, for one reason or the other the union did not lead evidence till 26.07.2017, on which date the OP/Company filed a petition praying that the validity or otherwise of the Reference be taken up as a preliminary Issue and decided before entering into the merits of the case. Records further reveal that the said petition was disposed of on 21.05.2018, upon hearing both parties and thereafter on 04.07.2018, this Tribunal directed the union to lead evidence, by fixing a schedule of two-days on 30.08.2018 and 31.08.2018 for such purpose. Records further reveal that none appeared on behalf of the workman/union

on both the days of the said schedule and hence no evidence could be recorded on their behalf and taking note of such absence of the union, without prior intimation or cause shown, this Tribunal directed the union to show-cause as to why this matter shall not be disposed of by way of a No-Dispute Award.

As noted earlier, the union has neither appeared today nor filed any show-cause as directed. Clearly, such conduct of the workman/union of failing to take steps, as directed, and/or remaining absent on consecutive dates, without any prior intimation or cause shown, indicates that the union/workman have abandoned the instant case and the industrial-dispute under reference is no longer in existence. Accordingly, and in the light of the absence of both the parties today, this Tribunal is constrained to hold that the instant case is a fit one to be dealt with under Rule 22 of the West Bengal Industrial Dispute Rules, 1958.

Hence, and in terms of Rule 22 of the West Bengal Industrial Disputes Rules, 1958 as amended till date, this Tribunal holds that the instant **Industrial Dispute** being Case No. VIII-45/2015 instituted on 08.01.2016, in connection with Order of Reference No. 1135-IR/IR/11L-106/15 dated 16.11.2015 issued by the Labour Department, Govt. of West Bengal is **no longer in existence, between the parties.**

The aforesaid constitutes the **No-Dispute Award** passed in the instant case being No. **VIII-45/2015**, which shall stand disposed of.

Dictated & corrected by me

Sdt
Judge



Sdt-
Judge
Seventh Industrial Tribunal
28/09/2018

Judge
Seventh Industrial Tribun