

I/125185/2021

Government of West Bengal
Labour Department, I. R. Branch
N.S. Buildings, 12th Floor

629
No. Labr//(LC-IR)/22015(15)/132/2019
1, K.S. Roy Road, Kolkata - 700001
Date : 10-03-2021

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. Labr./911/(LC-IR) dated 26.09.19 the Industrial Dispute between M/s Hindustan Motors Ltd., Hindmotor, Hooghly, Pin - 712233 and Sri Bibhas Biswas, 93, B.P.M.B. Sarani, P.O. Bhadrakali, Hooghly Pin - 712232 regarding the issue mentioned in the said order, being a matter specified in the Second Schedule to the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Judge, Third Industrial Tribunal, West Bengal.

AND WHEREAS the Judge of the said Third 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 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

Date : 10-03-2021

629/1(5)
No. Labr//(LC-IR)

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

1. M/s Hindustan Motors Ltd., Hindmotor, Hooghly, Pin - 712233.
2. Sri Bibhas Biswas, 93, B.P.M.B. Sarani, P.O. Bhadrakali, Hooghly Pin - 712232.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The Labour Commissioner, W.B. New Secretariat Buildings, 1, K. S. Roy Road, 11th Floor, Kolkata- 700001.
- ✓ 5. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.



Deputy Secretary

Date : 10-03-2021

629/2(2)
No. Labr//(LC-IR)

Copy forwarded for information to :

1. The Judge, Third Industrial Tribunal, West Bengal with reference to his Memo No. 213 - L.T. dated 18.02.2021.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.

Deputy Secretary

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

P R E S E N T :

**Shri Sanjeev Kumar Sharma, Judge,
Third Industrial Tribunal, Kolkata.**

Case No. VIII-11/2019; u/s. 10 of the I.D. Act, 1947

Vide Order Of Reference No.Labr./911/(LC-IR) dated 26.09.2019.

An Industrial Dispute Between

M/s. Hindustan Motors Ltd., Hindmotor, Hooghly, PIN-712233.

-A n d-

Shri Bibhas Biswas, 93, B.P.M.B. Sarani, P.O.-Bhadrakali, Hooghly, PIN-712232.

A W A R D

Dated : 12-02-2021

Today is fixed for filing written statement by the workman and S/R of notice upon the Company.

S/R of notice upon the Company is not received though it appears from the record that the notice was issued on 22.10.2019.

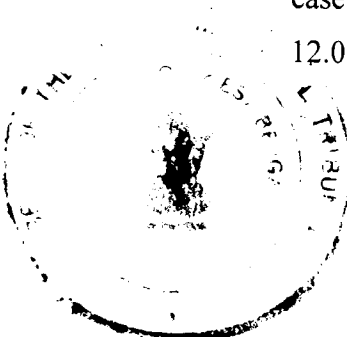
The workman Bibhas Biswas appears with his Ld. Advocate and files a verified petition praying for disposal of the instant case by pronouncing a No Dispute Award with liberty to prosecute the Case No.007/2020/10 pending before this Tribunal on the self-same cause of action.

Copy of the Reference Order No.Labr./104/(LC-IR)/22015(15)/132/2019 dated 12.02.2020 is annexed to the petition.

Ld. Advocate for the workman submits that the instant Reference being No.Labr./911/(LC-IR) dated 26.09.2019 and the Reference No. Labr./104/(LC-IR)/22015(15)/132/2019 dated 12.02.2020 both are on the self-same cause of action. As such, the workman is not willing to proceed with this case.

Perused the case record. It appears that the reference in this case and the Reference Order No. Labr./104/(LC-IR)/22015(15)/132/2019 dated 12.02.2020 relate to the same cause. There cannot be two proceedings in respect of the self-same cause of action.

In the circumstances, petition filed by the workman is allowed. The instant case arising out of Reference Order No.Labr./911/(LC-IR) dated 26.09.2019 stands disposed of by pronouncing No Dispute Award with liberty to the workman to proceed with the case arising out of Order of Reference No. Labr./104/(LC-IR)/22015(15)/132/2019 dated 12.02.2020.

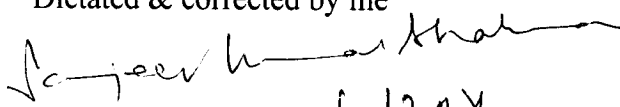


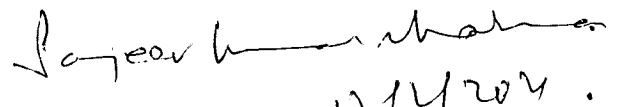
Accordingly, and in terms of Rule 22 of the West Bengal Industrial Disputes Rules, 1958 as amended till date, this Tribunal holds that the instant **Industrial Dispute** being Case No. **VIII-11/2019** arising out of Reference Order No.Labr./911/(LC-IR) dated 26.09.2019, instituted on **22.10.2019**, is **no longer in existence, between the parties.**

The aforesaid constitutes the **No Dispute Award** passed by this Tribunal in the instant Case No.**VIII-11/2019**, which stands disposed of forthwith.

This is my AWARD.

Dictated & corrected by me


Judge. 12/2/2021


Judge 12/2/2021.

Third Industrial Tribunal
Kolkata
12-02-2021

