

**File No. LABR-22015(16)/544/2018-IR SEC Dept. of Labour**  
**Government of West Bengal**  
**Labour Department**  
**I.R. Branch,**  
**N. S. Buildings, 12<sup>th</sup> floor, Block-A,**  
**1, K. S. Roy Road, Kolkata – 700 001.**

**No.Labr./953/(LC-IR)**

**Dated, Kolkata, the 10<sup>th</sup> Dec. 2018**

**O R D E R**

WHEREAS under the Government of West Bengal, Labour Department Order No. 564-IR dated 21.05.2004 the Industrial Dispute between M/s, Addya Ma Traders, 155, S.P. Mukherjee Road, Kolkata – 700 026 and their workman Shri Gautam Chakraborty, 15, Paraya Bagan, P.O. Purba Putiari, P.S. Regent Park, Kolkata – 700 093 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, First Industrial Tribunal, West Bengal

AND WHEREAS, the Judge of the said First 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.**

**No.Labr./953/1(5)/(LC-IR)**

**Dated, Kolkata, the 10<sup>th</sup> Dec. 2018**

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

- 1) M/s, Addya Ma Traders, 155, S. P. Mukherjee Road, Kolkata-700 026.
- 2) Shri Gautam Chakraborty, 15, Payara Bagan, P.O. Purba Putiari, P.S. Regent Park, Kolkata – 700 093.

(Contd.. 2 )

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- 3) The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette, 6, Church Lane, 4<sup>th</sup> Floor, Kolkata – 700 001.
- 4) The Labour Commissioner, W.B., N.S. Sectt. Buildings, (11<sup>th</sup> Floor), 1, Kiran Sankar Roy Road, Kolkata – 700 001.
- ✓ 5) The O.S.D., I.T. Cell, Labour Department – with the request to cast the Award in the Department's website.



**Deputy Secretary**


**No.Labr./953/2(3)/(LC-IR)**

**Dated, Kolkata, the 10<sup>th</sup> Dec. 2018.**

Copy forwarded for information to :-

- 1) The Judge First Industrial Tribunal, West Bengal - with reference to his Memo No. 1810-LT dated 31.08.18.
- 2) The Principal Secretary, Labour Department.
- 3) The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata- 700 001.

**Deputy Secretary**

/um.24.8.18.  
10/12/18

In the matter of an industrial dispute between M/s. Addya Ma Traders, 156A, Lenin Sarani, Kamalalaya Centre, Room No. G-21, Kolkata-700 013 now shifted to 155, S.P.Mukherjee Road, Kolkata-700 026 and their workman, Shri Gautam Chakraborty, 15, Payara Bagan, P.O.-Purba Putiary, P.S.-Regent Park, Kolkata-700 093.

(Case No. VIII-50/04)

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BEFORE THE FIRST INDUSTRIAL TRIBUNAL: WEST BENGAL

PRESENT

SHRI TANMOY GUPTA, JUDGE

FIRST INDUSTRIAL TRIBUNAL, KOLKATA.

A W A R D

The instant case arose out of an order of reference vide G.O. No. 564-IR/IR/11L-274/03 dated 21.05.1904/01.06.2004 by which an industrial dispute between M/s. Addya Ma Traders, 156A, Lenin Sarani, Kamalalaya Centre, Room No. G-21, Kolkata-700 013 now shifted to 155, S.P. Mukherjee Road, Kolkata-700 026 and their workman, Shri Gautam Chakraborty, 15, Payara Bagan, P.O.-Purba Putiary, P.S.-Regent Park, Kolkata-700 093 has been referred to this Tribunal for adjudication.

The issues specified in the order of reference for adjudication are as follows:

I S S U E (S)

1. Whether the refusal of employment of Shri Gautam Chakraborty by the management of M/s. Addya Ma Traders w.e.f. 28.11.2002 is justified?
2. What relief, if any, the workman is entitled to?

The aforesaid reference was issued by the Labour Department, Govt. of West Bengal dated 21.05.2004/01.06.2004 and it has been received by this Tribunal on 20.06.2004. On receipt of the same notices were issued to the respective parties directing them to appear. The workman appeared through the union representative by filing a letter of authority. The company/opposite party also appeared through Ld. Advocate. The respective parties also filed their written statement. The evidences of the parties were recorded in part on the points of maintainability. On 28.11.2008, CW1, Sri Prabir Ganguli was examined and his cross examination was commenced and the same was completed on 18.01.2013. Then CW2, Arun Chakraborty was examined and he was cross examined and the company's evidence was closed on 16.09.2013. Thereafter, the date for recording evidences of the workman on the point of maintainability was fixed. The workman did not turn up even after giving several opportunities to the workman. 05.06.2017 was fixed for recording evidence of the workman. On that date the Ld. Representative of the workman inform that he got an



information though not authenticate as to the death of the workman. On such report a date was fixed for taken steps for the workman. The workman did not turn up and as a result a notice was issued to ascertain as to the confirmation of the death report of the workman. The postal peon in the postal AD card in respect of the notices issued to the workman put an endorsement over the envelop 'Deceased'. A chance was given to the legal heirs of the deceased workman to appear and to take necessary steps. Since none appears further notice was issued to the workman through the Regent Park Police Station. From the service return sent by Police Officer annexing therewith a xerox copy of death certificate, it reflects that the workman expired on 20.05.2017 and such copy of death certificate was submitted to the police officer by one Soujanya Chakraborty, said to the son of the deceased. But none appears for the workman to apply for substituting the deceased workman. Then again as extra precaution notice was issued to said Sri Soujanya Chakraborty asking him to appear this date either personally or through an authorised agent for taking necessary steps. It appears that the said notice was received by one Sikha Chakraborty being the mother of said Soujanya Chakraborty. But today also none turned up for the workman and no steps is taken. Similarly, today none turned up for the company.

In the aforesaid situation, it is crystal clear that the widow and the son of the deceased workman are not interested to continue with the present proceedings by applying for substituting them in place of the deceased workman. Today none appears for the company also. Therefore, it would be useless to drag the proceeding any further.

Considering the totality of the matter, and the conduct of the parties I am of the view that the dispute under reference is no longer in existence and as such an appropriate order is required to be made in terms of Rule 22 of the West Bengal Industrial Dispute Rules 1958.

Accordingly, a "No Dispute Award" is passed in this case and the order of reference as involved in this case is thus disposed of accordingly.

This is my A W A R D.

Dictated & corrected by me.

Sd/- T. Gupta

Judge.

Sd/- T. Gupta

Judge

First Industrial Tribunal

Kolkata.

27.08.2018

**JUDGE**  
**FIRST INDUSTRIAL TRIBUNAL**  
**WEST BENGAL**

