

I/33549/2018

Government of West Bengal  
Labour Department  
I.R. Branch  
N.S. Buildings, 12<sup>th</sup> Floor,  
1, K.S. Roy Road, Kol-1

Date : 21.12. 2018

No.Labr./995/(LC-IR)/IR/11L-56/16

**ORDER**

WHEREAS under the Government of West Bengal, Labour Department Order No. Labr./741/(LC-IR) dated 25.07.16, the Industrial Dispute between **M/s. Twiling Litaka Pharma Ltd., 206, Shivali Industrial Estate, 89, Andheri Kurla Road, Sakinaka, Andheri(East), Mumbai-400072** with their local office address C/o. **M/S Dave Agency, 48/1/1, Rishi Arabinda Sarani, Kolkata-700090** and their employees represented by West Bengal Medical and Sales Representatives' Union (Regn. No. 17866), 5, Sarat Ghosh Street, Kolkata-700014 regarding the issues 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, Seventh Industrial Tribunal, West Bengal.

AND WHEREAS, the Judge of the said Seventh 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./995/1(6)/(LC-IR)

Date : 21.12.2018

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

1. **M/s. Twiling Litaka Pharma Ltd., 206, Shivali Industrial Estate, 89, Andheri Kurla Road, Sakinaka, Andheri(East), Mumbai-400072.**
2. **M/S Dave Agency, 48/1/1, Rishi Arabinda Sarani, Kolkata-700090.**
3. **The Secretary, West Bengal Medical and Sales Representatives' Union (Regn. No. 17866), 5, Sarat Ghosh Street, Kolkata-700014,**
4. **The Assistant Labour Commissioner, W.B. New Secretariat Buildings, 1, K.S. Roy Road, 11<sup>th</sup> Floor, Kolkata-700001.**
5. **The Labour Commissioner, W.B. New Secretariat Bldgs., (11<sup>th</sup> Floor),1, K.S. Roy Road, Kol-1.**
- ✓ 6. **The O.S.D., IT Cell, Labour Department, with the request to cast the Award in the Deptt.'s website.**



Deputy Secretary to the  
Government of West Bengal

No.Labr./995/2(2)/(LC-IR)

Date : 21.12.2018

Copy forwarded for information to :-

1. The Judge, Seventh Industrial Tribunal, West Bengal with reference to his Memo No. 1976-LT dated 26.09.2018.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kol – 1.

Deputy Secretary to the  
Government of West Bengal

Sabita/IR/21122018

26/12/18

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-27/2016**

[Vide an Order of Reference No. Labr./741/(LC-IR)/IR/11L-56/16 dated 25.07.2016]

**Employees of M/s. Twilight Litaka Pharma Ltd.,**  
through West Bengal Medical and Sales  
Representatives' Union,  
5, Sarat Ghosh Street, Kolkata-700014.

**...Workmen/Union**

**Versus**

**Messrs Twilight Litaka Pharma Ltd.,**  
206, Shivali Industrial Estate,  
89, Andheri Kurla Road, Sakinaka,  
Andheri (East), Mumbai – 400072  
Local Office : C/o. M/s. Dave Agency,  
48/1/1, Rishi Arabinda Sarani, Kolkata-700090.

**.....OP/Company**

**Issue(s)**

1. Whether the refusal of employment by the management and depriving the employees from all their dues is justified ?
2. What relief, if any, are the employees entitled to ?

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**AWARD**

**Dated : 17-09-2018**

None appears on repeated calls. Today is fixed for steps by the workmen/union, as final opportunity, failing which for proceedings under Rule 22 of the West Bengal Industrial Dispute Rules, 1958.

Records reveal that the instant case arose from an Order of Reference, being No. Labr./741/(LC-IR)/IR/11L-56/16 dated 25.07.2016 issued by the Government of West Bengal, for adjudication of an Industrial Dispute, comprising of the Issues mentioned therein, between the parties named hereinabove.

The instant case came to be registered on 28.11.2016, 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 15.12.2016 before this Tribunal. It further reveals that the workmen/union appeared through their Ld. Advocate and also filed their claim-statement on 17-04-2017, on which date this Tribunal further noted that the SR of the notice re-issued to the OP/Company on 17-04-2017 had returned undelivered/unserved with the postal remark 'Left', and accordingly this Tribunal directed the workmen/union to take further steps in that regard, as the dispute had been raised at their instance.

sdf

It further reveals that on several subsequent dates, after 17.04.2017, prayers were made on behalf of the workmen/union for grant of further time to enable them to take such steps, and even though such prayers were allowed on each occasion yet the workmen/union did file any such steps before this Tribunal.

In the aforesaid backdrop, by order dated 23.08.2018, this Tribunal granted one **final opportunity** to the workmen/union to appear and take steps by 10-09-2018, with a direction that in default, this Tribunal would proceed under Rule 22 of the West Bengal Industrial Dispute Rules, 1958. Further, on 10.09.2018, taking note of reports of disturbances in movement of public transport in the city, this Tribunal extended the opportunity till today for compliance of order dated 23.08.2018 by the workmen/union, yet they have neither appeared nor taken steps, as directed. Clearly, such conduct of the workmen/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/workmen have abandoned the instant case and the industrial-dispute under reference is no longer in existence.

Accordingly, 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-27/2016 instituted on 28.11.2016, in connection with Order of Reference No. Labr./741/(LC-IR)/IR/11L-56/16 dated 25.07.2016 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-27/2016, which shall stand disposed of.

Dictated & corrected by me

Sd/-

Judge

Judge

Seventh Industrial Tribunal

Sd/-

Judge

Seventh Industrial Tribunal

17/09/2018

Judge

Seventh Industrial Tribunal

