

Government of West Bengal
Labour Department
I.R. Branch
N.S. Buildings, 12th Floor, Kol-1

No.Labr./996/(LC-IR)/22015(16)/578/2018

Date : 21.12.2018

ORDER

WHEREAS an industrial dispute existed between M/s. Living World Silver Arcade, 8,, J.B.S. Helden Avenue, Kolkata-700105 and their workman Sri Kaushal Kishore Singh, C/o Prahlad Singh, 1/2B, Ballygunge Station Road, Kolkata-700019 regarding the issues being a matter specified in the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute Act, 1947 (14 of 1947) to the Judge, Seventh Industrial Tribunal specified for this purpose under this Department's Notification No. 101-IR dated 02.02.2012.

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./996/1(2) -IR

Date : 21.12.2018

Copy forwarded for information to :-

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No.2049-LT dated 09.10.2018.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.



Deputy Secretary to the
Government of West Bengal

No. Labr./996/2(5)/(LC-IR)

Date : 21.12.2018

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

1. M/s. Living World Silver Arcade, 8,, J.B.S. Helden Avenue, Kolkata-700105 .
2. Sri Kaushal Kishore Singh, C/o Prahlad Singh, 1/2B, Ballygunge Station Road, Kolkata-700019.
3. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
4. The Labour Commissioner , W.B., N.S. Buildgs.(11th Floor),1, K.S. Roy Road, Kol-1.
- ✓ 5. The O.S.D. IT Cell, Labour Department, with the request to case the Award in the Department's Website.



Deputy Secretary to the
Government of West Bengal

 Sabita/IR/21122018

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

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

Case No.53/2A(2)/2014

Kaushal Kishore Singh,
C/o. Prahlad Singh, 1/2B, Ballygunge Station Road,
Kolkata - 700019.

....Applicant

versus

M/s. Living World Silver Arcade,
8, J.B.S. Helden Avenue, Kolkata-700105.

.....OP/Company

A W A R D

Dated : 20-09-2018

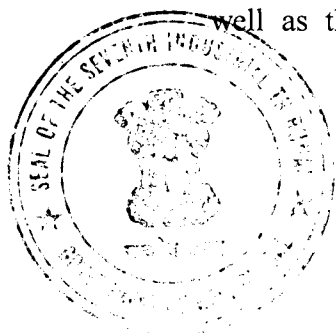
None appears on behalf of the either of the parties on repeated calls. Today is fixed for further cross-examination of PW-1 as final opportunity, i.d. for proceeding under Rule 22 of the West Bengal Industrial Dispute Rules, 1958. PW-1, Kaushal Kishore Singh is absent.

On the previous occasion, noting the continuous absence of the applicant / PW-1 on several consecutive dates without any intimation or showing prior cause, this Tribunal had held that such conduct of the applicant appeared to indicate the abandonment of the industrial dispute and the instant case, however for the ends of justice one final opportunity was granted to the applicant to present himself today.

Records further reveal that the instant case was registered on 26.12.2014 when the applicant filed his petition under Section 2A(2) of the Industrial Disputes Act, 1947 against his employer M/s. Living World Silver Arcade, the OP/Company, in connection with the alleged termination of his services by such employer with prayers seeking reinstatement in service with full back wages and consequential benefits. It further reveals that, upon registration of the instant-case, notice together with a copy of the petition was sent to the OP/Company, who appeared through their Ld. Advocate on 05.02.2015 and contested the case by filing their written statement on 05.05.2015, whereupon on 18.02.2016 the Issues were framed between the parties by this Tribunal.

Records further reveal that the applicant Kaushal Kishore Singh examined himself as PW-1 on 30.05.2017 and was cross-examined as such in part on 20.09.2017, whereafter the matter has been fixed on several dates for further cross-examination, but the PW-1 / applicant has failed to appear, as aforesaid.

In the aforesaid backdrop, and in the light of the absence of the parties today as well as the absence of the applicant on several dates without intimation or



showing sufficient cause, this Tribunal holds that the alleged 'industrial dispute' between the parties no longer exists and this is a fit case for passing a '**No Dispute Award**'.

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 dispute being Case No. 53/2A(2)/2014 **is no longer in existence, between the parties.**

The aforesaid constitutes the **No-Dispute Award** passed in the instant Case No. **53/2A(2)/2014**, which shall stand disposed of.

Dictated & corrected by me

sdl/-
Judge

sdl/-
Judge,
Seventh Industrial Tribunal
20/09/2018
Judge
Seventh Industrial Tribunal