

File No. LABR-22015(16)/306/2018-IR SEC-Dept. of LABOUR
1/33539/2018

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

No. Labr/997/(LC-IR)
IR/11L-28/18

Dated, 21.12.18.

ORDER

WHEREAS under the Government of West Bengal, Labour Department, Order No.570-I.R./10L-17/06(Pt) dated 10.05.2010 the Industrial Dispute between M/s The North Calcutta Electric Welding Mechanical Works, 2, Nanda Kishore Street, Kolkata-700 004 and its workmen represented by West Bengal Engineering Workers' Union, 60-67, B.T. Road, Kolkata-70 002 regarding the issue mentioned in the said order, being a matter specified in the Second Schedule to the Industrial Disputes Act, 1947 (14 of 1947), was referred for adjudication to the Judge, Eighth Industrial Tribunal, West Bengal.

AND WHEREAS the Judge of the said Eighth 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.

A N N E X U R E
(Attached herewith)

By Order of the Governor



Deputy Secretary to the
Government of West Bengal.

No. Labr/997/1(5)(LC-IR)

Dated, 21.12.2018.

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

1. M/s. The North Calcutta Electric Welding Mechanical Works, 2, Nanda Kishore Street, Kolkata-700 004.
2. The Secretary, West Bengal Engineering Workers' Union, 60-67, B.T. Road, Kolkata-700 002.
3. The Assistant Labour Commissioner, West Bengal, In-Charge, Labour Gazette.
4. The Labour Commissioner, West Bengal, New Secretariat Buildings, 1, K.S. Roy Road, 11th floor, 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

No.Labr/997/2(2)(LC-IR)


Dated, 21.12.18.

Copy forwarded for information to :-

1. The Judge, Eighth Industrial Tribunal, West Bengal with reference to his Memo No.2008-LT dated 03.10.2018.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata-700 001.

Jnt/IR/order

Deputy Secretary


24/12/18

In the matter of an Industrial Dispute between M/s. The North Calcutta Electric welding Mechanical Works, 2, Nanda Kishore Street, Kolkata – 700 004 and its workmen represented by West Bengal Engineering Workers' Union, 60-67, B.T. Road, Kolkata-700 002 referred to this Tribunal vide G.O.No. 570-IR/IR/10L-17/06(Pt) dated 10.05.2010.

(Case No.VIII-25/10)

BEFORE THE JUDGE, EIGHTH INDUSTRIAL TRIBUNAL, KOLKATA.

Present

Sri Madhusudan Dutta, Judge,
Eighth Industrial Tribunal

A W A R D

This industrial dispute between M/s. The North Calcutta Electric welding Mechanical Works, 2, Nanda Kishore Street, Kolkata – 700 004 and its workmen represented by West Bengal Engineering Workers' Union, 60-67, B.T. Road, Kolkata-700 002 has been referred by the Govt. of West Bengal, Labour Department vide Order No. 570-IR/IR/10L-17/06(Pt), dated 10.05.2010, to this Tribunal for adjudication of the following issues: -

I S S U E S(S)

1. Whether the refusal employment 13(thirteen) workmen by the management of M/s. The North Calcutta Electric welding Mechanical Works w.e.f. 09-04-2005 is justified.
2. To What relief, if any, is the workmen entitled?

Today is fixed for filing present status report of writ petition 16193(W) of 2011. Ld. Lawyer for the O.P. Company files a petition contending inter alia that the said writ petition has been dismissed by the Hon'ble High Court being not pressed. In support of his submission Ld. Lawyer for the O.P. Company filed the copy of the order of the Hon'ble High Court passed in the said writ petition.

Perused the order of the Hon'ble High Court.

In view of the order passed by the Hon'ble court, the instant proceedings should proceed, but from the materials on record I find that for a considerable period neither the

applicants nor on their behalf any person appeared. Notice was issued against the Union but it was returned back as no such Union found.

Heard Ld. Lawyer of the O.P. Company. None appears on behalf of the applicant. In view of the materials on record, I find it is no longer necessary to keep the matter pending.

Such being the conduct on the part of the applicants and their advocate coupled with the fact, I think that in order to protect the judicial sanctity no further indulgence should be given to these applicants because justice is not monopoly to them. Therefore, I am of the view that it is a fit case to pass a 'No Dispute Award' under Rule 22 of Industrial Disputes Rules, 1958, the industrial dispute by and between the parties being treated as non-existent.

This is my AWARD.

Dictated & corrected by me.

S/D.
Judge.

S/D. Mahesudam Dutta

Judge,
Eighth Industrial Tribunal
Kolkata
01.10.2018