

I/453793/2023

Government of West Bengal
Labour Department, I. R. Branch
N.S. Building, 12th Floor
1, K.S. Roy Road, Kolkata - 700001

No. Labr/.1009 / (LC-IR)/11L-29/12

Date: 10/11/2023

ORDER

WHEREAS an industrial dispute existed between M/s. India Carbon Limited, Temple Chamber, 6, Old Post Office Street, 4th Floor, Kolkata - 700001 and Sri Raj Kishore Jana, C/o B.P. Singh, 91, N.S. Road, Kolkata - 700001 regarding the issue, being a matter specified in the Second schedule to the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application under section 10(1B) (d) of the Industrial Dispute Act, 1947 (14 of 1947) to the Seventh Industrial Tribunal specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, the Seventh Industrial Tribunal heard the parties under section 10(1B) (d) of the I.D. Act, 1947 (14 of 1947) and framed the following issue dismissal of the workman as the "issue" of the dispute.

AND WHEREAS the Seventh Industrial Tribunal has submitted to the State Government its Award dated 06/10/2023 in Case No. 20/2013/10(1B) (d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide memo no.1352- L.T. dated 30/10/2023.

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,

Salt
Assistant Secretary
to the Government of West Bengal

/453793/2023

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No. Labr/.¹⁰⁰⁹ 1/(5)/(LC-IR)Date: ^{10/11}/2023

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

1. M/s. India Carbon Limited, Temple Chamber, 6, Old Post Office Street, 4th Floor, Kolkata - 700001.
2. Sri Raj Kishore Jana, C/o B.P. Singh, 91, N.S. Road, Kolkata - 700001.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B., New Secretariat Building, (11th Floor), 1, Kiran Sankar Roy Road, Kolkata - 700001.
- ✓ 5. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.



Assistant Secretary

No. Labr/.¹⁰⁰⁹ .2/(2)/(LC-IR)Date : ^{10/11}/2023

Copy forwarded for information to:-

1. The Judge, Seventh Industrial Tribunal, Govt. of West Bengal, N.S. Building, 1, K.S. Roy Road, Kolkata - 700001 with respect to his Memo No. 1352- L.T. dated 30/10/2023.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Assistant Secretary

H.A.(IT) / *Deputy Sec.*
17/11/2023

Before The Seventh Industrial Tribunal, West Bengal

Present: Ms. Yogita Gaurisaria, Judge, Seventh Industrial Tribunal.

Case No. 20/10(1B)(d) of 2013

Raj Kishore Jana, C/o B.P. Singh, 91, N.S. Road, Kolkata – 700 001 ,

.....Applicant

-VS-

M/s. India Carbon Limited,

Temple Chamber, 6, Old Post Office Street, 4th Floor, Kolkata – 700 001

..... Opposite Party

A W A R D

Dated 06.10.2023

Raj Kishore Jana is absent without steps.

O.P. /Company is present.

Today is fixed for passing no dispute award.

Case record is taken up for passing no dispute award.

This case has been filed by the applicant/workman Raj Kishore Jana u/S 10(1B)(d) of the Industrial Disputes Act, 1947 against his employer M/s. India Carbon Limited in connection with termination of his service illegally with a prayer to reinstate him in service with full back wages and other consequential benefits.

Perused the case record wherefrom it appears that the applicant was not appearing before this Tribunal since 05.04.2022 and accordingly, on 06.02.2023 the applicant was directed to appear positively before this Tribunal and file show cause on 25.04.2023 . On 25.04.2023 also the applicant was not present on repeated calls, but the O.P. was present through its Ld. Advocate. As a result, on 25.04.2023 a fresh notice was sent to the applicant fixing 13.06.2023 for appearance of the applicant and filing show cause. But

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(2)

on that date also i.e. on 13.06.2023 the applicant was absent on repeated calls. Thereafter, further notice was issued upon the applicant fixing 16.08.2023 for appearance of the applicant with a direction to file show cause as to why no dispute award shall not be passed in the instant case. On 16.08.2023 the applicant was absent on repeated calls, but the O.P. was present through his Ld. Advocate. On scrutiny of postal track report, it appeared that the notice sent to the applicant has been delivered on 22.06.2023, but inspite of that, the applicant was not present before this Tribunal from which it appeared that the applicant stopped taking steps on and from 05.04.2022. Consequently, it appears that the applicant is not willing to proceed with the instant case any further.

In view of the aforesaid conduct of the applicant, this Tribunal holds that no industrial disputes exist in between the parties. So, I am inclined to pass a 'No Dispute' Award on the footings that Industrial Disputes under Rule 22 under West Bengal Industrial Dispute Rules, 1958 is no longer in existence.

Hence, it is

Ordered

that the case being No. 20 of 2013 u/S 10(1B)(d)) of the Industrial Disputes Act, 1947 be and the same is dismissed for non existence of any Industrial Dispute. This is to be treated as 'No Dispute Award'.

This is my award.

Dictated & corrected by me.

scd/-
Judge

Judge
Seventh Industrial Tribunal



scd/-
(Yogita Gaurisaria)
Judge, 7th Industrial Tribunal
Kolkata
06.10.2023

Judge
Seventh Industrial Tribunal