

I/425431/2023

( 2 )

No Labr/<sup>716</sup>...../1(2) – IRDated <sup>10-08-</sup>.....2023

Copy forwarded for information to:

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 957 -L.T. dated 26/07/2023.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

<sup>Sdt</sup>  
Assistant Secretary

No. Labr/<sup>716</sup>...../2(5) – IRDated <sup>10-08-</sup>.....2023

Copy with a copy of the Award is forwarded for information &amp; necessary action to:

1. M/s. Bagbazar Filling Station (Dealer IOC), 3, Chitpur Bridge Approach, Kolkata - 700003.
2. Sri Ram Nath Goswami, S/o. Late Paresh Goswami, 27/A, Deshpriya Nagar, Kolkata - 700050.
3. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B., New Secretariat Building (11<sup>th</sup> 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.

<sup>3a</sup>  
Assistant Secretary

HA(1T)  
11/08/23  
Dipankar  
11/08/2023



I/425431/2023

Government of West Bengal  
Labour Department  
I.R. Branch

N.S. Building, 12<sup>th</sup> Floor  
1, K.S. Roy Road, Kolkata - 700001

No. Labr/. *716* ./ (LC-IR)/22015(16)/38/2023 Date: *10-08-*2023

ORDER

WHEREAS an industrial dispute existed between M/s. Bagbazar Filling Station (Dealer IOC), 3, Chitpur Bridge Approach, Kolkata - 700003 and workman Sri Ram Nath Goswami, S/o. Late Paresh Goswami, 27/A, Deshpriya Nagar, Kolkata - 700050 regarding the issues being a matter specified in the Second schedule of 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 Notification No. 101-IR dated 2.2.12;

AND WHEREAS the Seventh Industrial Tribunal has submitted to the State Government its Award dated 30/06/2023 in Case No. 46/2A(2) of 2016 on the said Dispute vide memo no. 957 -L.T. dated 26/07/2023.

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, .

*sdt*  
Assistant Secretary  
to the Government of West Bengal



Before The Seventh Industrial Tribunal, West Bengal

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

Case No.46/2A(2) of 2016

Ramnath Nath Goswami, S/o Late Paresh Goswami residing at 27/A,  
Deshpriya Nagar, Kolkata – 700 050. ....Applicant

-VS-

M/S. Bagbazar Filing Station ( Dealer IOC), 3, Chitpur Bridge Approach,  
Kolkata – 700 003. .... Opposite Party

A W A R D

Dated 30.06.2023

Applicant Ram Nath Goswami is absent without steps.

O.P. /Company is present through its Ld. Advocate.

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 Ram Nath Goswami u/s 2A(2) of the Industrial Disputes Act, 1947 against his employer M/s. Bagbazar Filing Station (Dealer IOC ) in connection with termination of his service by way of refusal of employment 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 on 20.01.2020 was fixed for further cross-examination of P.W.1 (Applicant). On 20.01.2020 the applicant/P.W.1 was found absent, but his Ld. Advocate was present. On that date the O.P./Company filed two verified petitions after serving copies upon the Ld. Advocate for the applicant. Thereafter, on the consecutive dates neither applicant nor his Ld. Advocate/representative was present on repeated calls and considering the conduct of the applicant, this Tribunal issued notice to the applicant vide order dated 23.03.2022 directing him to

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appear before this Tribunal on 02.05.2022 and to submit show cause as to why no dispute award shall not be passed in the instant case/dispute. It further appears from the case record that vide order dt. 03.08.2022 the instant case/dispute was fixed for passing no dispute award on the next date i.e. 08.08.2022 in view of the order no. 40 dated 23.03.2022. It also appears from the order dated 03.08.2022 that the show cause notice under registered post with A/D was sent to the applicant and this Tribunal presumed that the show cause notice was duly served upon the applicant, but the applicant did not appear before this Tribunal personally or filed show cause and this Tribunal hold that the applicant is not willing to proceed with his present case.

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. 46 of 2016 u/S 2A(2) 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.

sd/

sd/

(Yogita Gaurisaria)  
Judge, 7<sup>th</sup> Industrial Tribunal  
Kolkata (30.06.2023)