

/425907/2023

(2)

No Labr/726/1(2) - IR

Dated: 11/08/2023

Copy forwarded for information to:

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 960 -L.T. dated 26/07/2023.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

sdt
Assistant Secretary

No. Labr/726/2(5) - IR

Dated: 11/08/2023

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

1. M/s. Sai Publication, 16A, Ballygunge Terrace Road, Ground Floor, Kolkata - 700029.
2. Sri Soumik Dutta, Arunadaya Abasan, 24/2/87, Mondal Para Lane, Kolkata - 700090.
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 (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

H.A.(IT)
11/08/2023
Dipankar
11/08/2023

1/425907/2023

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

No.Labr/. 726 ./(LC-IR)/22015(16)/40/2023 Date: 11/08/2023

ORDER

WHEREAS an industrial dispute existed between M/s. Sai Publication, 16A, Ballygunge Terrace Road, Ground Floor, Kolkata - 700029 and workman Sri Soumik Dutta, Arunadaya Abasan, 24/2/87, Mondal Para Lane, Kolkata - 700090 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 26/06/2023 in case No. 09/2A (2) of 2016 on the said Dispute vide memo no. 960 -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,

Solt
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.09/2A(2) of 2016

Sri Soumik Dutta, Arunadaya Abasan, 24/2/87, Mondal Para Lane, Kolkata
– 700 090

.....Applicant

-VS-

M/s. Sai Publication , 16A, Ballygunge Terrace Road, Ground Floor, Kolkata
– 700 029.

..... Opposite Party

A W A R D

Dated 26.06.2023

Applicant Sri Soumik Dutta is absent without steps.

O.P. /Company is absent.

Today is fixed for passing no dispute award in view of order no. 56 dt.
13.12.2021.

Case record is taken up for passing order.

This case has been filed by the applicant/workman Soumik Dutta U/S
2A(2) of the Industrial Disputes Act, 1947 against his employer M/S. Sai
Publication 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 27.08.2021 was
fixed for taking necessary steps by the applicant, but on that date none of the
parties were present. Thereafter, on the consecutive two dates i.e. 28/09/2021
and 13.12.2021 neither the applicant nor his Ld. Advocate was present on
repeated calls.

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Considering the conduct of the applicant, this Tribunal issued notice to the applicant vide order No. 56 dated 13.12.2021 directing him to appear before this Tribunal on 21.01.2022 and to submit show cause as to why no dispute award shall not be passed in the instant case. It further appears from the record that in view order dt. 23.05.2022, A/D card in respect of notice issued to the applicant was received as served, but the applicant did not appear and did not file any show cause. Thereafter, on the consecutive dates the applicant did not appear before this Tribunal or did not file any show cause on his behalf though notice under registered post with A/D sent to the applicant. It appears from order dated 23.05.2022 that the said show cause notice was duly served upon the applicant, but he did not appear or file any show cause till date i.e. 26.06.2023 in view of order no. 56 dated 13.12.2021. Therefore, it is clear that the applicant is not willing to proceed with his present case 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.

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Hence, it is

O r d e r e d

that the case being No. 09 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/-
Judge

Judge
Seventh Industrial Tribunal

Sd/-
(Yogita Gaurisaria)
Judge
7th Industrial Tribunal
Kolkata
26.06.2023

Judge
Seventh Industrial Tribunal