

I/451641/2023

:2:

No. Labr/. 987 . 1/(5)/(LC-IR)

Date: 06/11/2023

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

1. M/S. Indira I.V.F. Hospital Pvt. Ltd., 3rd Floor, Regal Plaza, G.T. Road, Murgasole, Asansol, Dist – Paschim Bardhaman.
2. Smt. Payel Konar, C-356, Bikramaditya Sarani, P.O.-ADDA, P.S. – Bidhannagar, Durgapur, Dist – Paschim Bardhaman.
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.

H.A. (IT)
06/11/2023



Assistant Secretary

No. Labr/. 987 . 2/(2)/(LC-IR)

Date: 06/11/2023

Copy forwarded for information to:-

1. The Judge, Ninth Industrial Tribunal, West Bengal, Durgapur, Administrative Building, City Centre, Pin – 713216 with respect to his Memo No. 179- L.T. dated 11/10/2023.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata – 700001.

Assistant Secretary

Dipankar
06/11/2023

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

No. Labr/. 987 / (LC-IR)/22015(16)/6/2023 Date: 06/11/2023

ORDER

WHEREAS an industrial dispute existed between M/s. Indira I.V.F. Hospital Pvt. Ltd., 3rd Floor, Regal Plaza, G.T. Road, Murgasole, Asansol, Dist – Paschim Bardhaman and Smt. Payel Konar, C-356, Bikramaditya Sarani, P.O.-ADDA, P.S. – Bidhannagar, Durgapur, Dist – Paschim Bardhaman 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 of the Industrial Dispute Act, 1947 (14 of 1947) to the Ninth Industrial Tribunal specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, the Ninth Industrial Tribunal heard the parties under section 10 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 Ninth Industrial Tribunal has submitted to the State Government its Award dated 09/10/2023 in Case No. 34 of 2023 under section 10 of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide memo no.179- I.T. dated 11/10/2023.

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,

Sd/-
Assistant Secretary
to the Government of West Bengal

In the matter of an Industrial dispute between M/S. Indra IVF Hospital Pvt. Ltd, 3rd Floor, Regal Plaza, G.T.Road, Murgasole, Asansol, Dist- Paschim Bardhaman and its workman Sri Smt. Payel Konar, C-356, Bikramaditya Sarani, P.O-ADDA, P.S-Bidhannagar, Durgapur, Dist-Paschim Bardhaman.

Case No. 34 / 2023 U/S 10 of the Industrial Disputes Act, 1947.



BEFORE THE 9TH INDUSTRIAL TRIBUNAL,

DURGAPUR, WEST BENGAL, KOLKATA.

PRESENT :- SHRI SUJIT KUMAR MEHROTRA,

JUDGE, 9th INDUSTRIAL TRIBUNAL,

DURGAPUR.

Ld. Advocate for the Workman: - None.

Ld. Advocate for the Employer:- Mr. Subhas Chakroborty & Indrajit Mandol.

The award dated 9th day of Oct., 2023.

A W A R D

Ld. lawyer for the employer/hospital is present.

Received the report from the N.T.S P.S alongwith copy of notice. It transpires from the same report that even after making thorough enquiry from the houses situated at Bikramaditya Sarani by the concerned policed officer he found that the addressed person was/is not available in the name of Smt. Payel Koner and accordingly notice could not be served.

Hd. ld. lawyer for the employer/hospital, who also submits that the management do not have any knowledge regarding whereabouts of the referred workman.

Perused the entire CR as well as the report of the concerned P.S.

Considered.

It transpires from the CR that the Govt. of West Bengal through its Joint Secretary, Labour Deptt. vide reference no. Labr./725/(LC-IR)/ 22015(16)/6/2023 dated 11.08.2023 referred the Industrial Disputes between the parties, as mentioned herein above, for adjudication under the Industrial Disputes Act, 1947 (hereinafter referred to as Act of 1947) for adjudication.

The concerned Joint Secretary in exercise of the power conferred by U/S 10 of the Act, 1947 referred the industrial disputes for adjudication after framing the following issues :

Whether the refusal of employment of the workman namely Smt. Payel Koner by the management of M/S. Indra IVF Hospital Pvt. Ltd. 3rd floor,

JUDGE
NINTH INDUSTRIAL TRIBUNAL DURGAPUR
GOVT. OF WEST BENGAL



Regal Plaza, G.T. Road, Murgasole, Asansol Dist.-Paschim Bardhaman, PIN- 713303 by way of forceful resignation on 03.06.2020 is justified?

2) To what relief, if any, is he entitled?

After received of the aforementioned reference order this tribunal registered the instant case U/S 10 of the Act of 1947 and put both the parties to notice by speed post and in consequence thereof employer/hospital appeared through its ld. lawyer. However, from the remark of the postal department it is revealed that although the said workman was informed to collect the notice but she did not collect the same on 20.09.2023.

CR further reveals that even thereafter this tribunal sent notice to her through the local P.S on the address, as mentioned in the reference order of the Govt. of West Bengal, but the concerned P.S submitted a report that no such person namely, Smt. Payel Koner resides in Bikramaditya Sarani, Bidhannagar, Durgapur.

It is all the more pertinent to mention herein that the said workman approached the labour Commissioner for conciliation of the industrial dispute between her and her said employer and as the same failed, so the Govt. of West Bengal after due consideration of the failure report referred the industrial dispute to this tribunal for adjudication. The concerned workman certainly has the knowledge of reference of the impugned case but inspite thereof she showed no interest to appear before this tribunal. An inference regarding her such conduct can also be drawn from the remark of the postal deptt. as made while returning the first notice issued by this tribunal.

Having regard to the above facts and circumstances I am of the view that workman does not want to proceed further with the instant case and there exists "no industrial disputes" between the above-named workman and M/S Indira IVF Hospital Pvt.Ltd.

Hence, it is,

Ordered

that the reference under Section 10 of the Industrial Disputes Act, 1947, is disposed of as no dispute award between the parties but without cost.

This is my award.

Send a copy of this award to the Additional Chief Secretary, Labour Department, Govt. of West Bengal for information and doing the needful from his end.

D/C by me,
Sri Sejit Kumar Mohanta
Slt Judge, 09-10-23,

JUDGE
NINTH INDUSTRIAL TRIBUNAL DURGAPUR
GOVT. OF WEST BENGAL

Sri Sejit Kumar Mohanta
Slt Judge, 09-10-23 -

9th Industrial Tribunal, Durgapur
JUDGE
NINTH INDUSTRIAL TRIBUNAL DURGAPUR
GOVT. OF WEST BENGAL