

/398875/2023

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

No. Labr/ 414. / (LC-IR)/11L-43/17 Date: 24/05/ 2023.

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. Labr/712/IR/11L-43/2017 dated 11/07/2017 the Industrial Dispute between M/s. Bharatmata Mini Rice Mill, Vill & P.O. - Ukhrid, Khandaghosh, Purba Bardhaman, and its workmen Sk. Sajahan, Secretary, Khandaghosh Zonal Committee, Bardhaman Zilla Rice Mill Workers Union, Vill & P.O. - Ukhrid, Khandaghosh, Purba Bardhaman regarding the issue mentioned in the said order, being a matter specified in the Second / Third Schedule to the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Judge, Ninth Industrial Tribunal, West Bengal.

AND WHEREAS the Ninth Industrial Tribunal, West Bengal, has submitted to the State Government its award dated 12/04/2023 on the said Industrial Dispute vide memo no. 58 - I.T. dated - 26/04/2023.

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

I/398875/2023

No. Labr/. 414/169/(LC-IR)

Date: . 24/05. /2023.

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

1. M/s. Bharatmata Mini Rice Mill, Vill & P.O. – Ukhrid, Khandaghosh, Purba Bardhaman.
2. Sk. Sajahan, Secretary, Khandaghosh Zonal Committee, Bardhaman Zilla Rice Mill Workers Union, Vill & P.O. - Ukhrid, Khandaghosh, Purba Bardhaman.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B. New Secretariate Building, 1, K. S. Roy Road, 11th Floor, Kolkata- 700001.
5. The Sr. Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.

3a
Assistant Secretary

No. Labr/. 414/262/(LC-IR)

Date: . 24/05. . /2023.

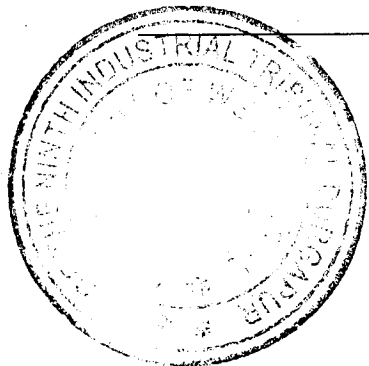
Copy forwarded for information to:

1. The Judge, Ninth Industrial Tribunal, West Bengal, Durgapur, Administrative Building, City Centre, Pin - 713216 with reference to his Memo No. 58- I.T. dated - 26/04/2023.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.

3a
Assistant Secretary

In the matter of an Industrial dispute between M/S. Bharatmata Mini Rice Mill, Vill & P.O-Ukhrid, Khandaghosh, Purba Bardhaman and its workmen represented by Sk.Shajahan, Secretary, Khandaghosh Zonal Committee, Bardhaman Zilla Rice Mill Workers' Union (Regn.No.24755) at Vill & P.O-Ukhrid, Khandaghosh, Purba Bardhaman.

Case No. X- 04 / 2017



**BEFORE THE 9TH INDUSTRIAL TRIBUNAL,
DURGAPUR, WEST BENGAL, KOLKATA.
PRESENT :- SHRI SUJIT KUMAR MEHROTRA,
JUDGE, 9th INDUSTRIAL TRIBUNAL,
DURGAPUR.**

Ld. Advocate for the Workmen: - Mr. Saradindu Panda & Smt.Anima Maji.

Ld. Advocate for the O.P./Employer:- Mr. Chirodip Roy.

The award dated 12th day of April, 2023.

A W A R D

Ld. lawyer for the workers' union files a petition stating therein that the Secretary is unable to appear because of his illness.

None appears for the O.P/employer till 2.30 p.m.

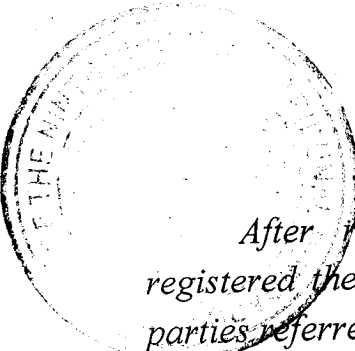
Hd. the ld.lawyer for the workers' union, who submits that another chance be given to P.W-1 for his further examination on oath. No medical certificate is filed in support of claim of P.W-1's illness.

Perused the entire CR. Considered. It transpires from the CR that the Govt.of West Bengal through its Assistant Secretary, Labour Deptt. vide reference no. Labr./712/(LC-IR) / IR/11L-43/17 dated 11.07.2017 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 Assistant Commissioner 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 :

- 1) Whether such termination of twenty workmen in the month of April, 2014, as mentioned below, by refusal of employment is justified?
- 2) If not, to what relief are they entitled? (contd.)

Sd/-
JUDGE
NINTH INDUSTRIAL TRIBUNAL
GOVT. OF WEST BENGAL
12-04-23



After received of the aforementioned reference order this tribunal registered the instant case U/S 10 of the Act of 1947 and issued notice to the parties referred.

CR reveals that after received of the notice both the parties appeared through their engaged Ld. Lawyers and filed their statement by way of their WS. Thereafter since 19.09.2018 the matter has been fixed for evidence from the side of the workers' union but it took adjournments for more than 45 occasions on various pretext and ultimately on 06.06.2022 the Secretary filed his affidavit-in-chief and he was further examined in part on oath as P.W-1.

It further transpires that thereafter the matter was fixed for further examination of P.W-1 on 13.06.2022, 07.07.2022, 03.08.2022, 02.09.2022, 14.09.2022, 13.10.2022, 07.11.2022, 25.11.2022, 13.12.2022, 09.01.2023, 03.02.2023, 28.02.2023, 15.03.2023, 27.03.2023, 31.03.2023 and this date but in all such occasions P.W-1 did not appear on taking various pretext.

Having regard to the above discussed conduct on the part of the workers' union, I am of the view that the workers' union itself is reluctant to proceed any further with this case. So, in this case, it would be appropriate to pass a 'No Dispute Award'.

Hence, it is,

Ordered

that the application under Section 10 of the Industrial Disputes Act, 1947, is dismissed for default without cost.

This is my award.

D/C by me

Sd/- *Sujit Kumar Mehrotra*
Judge 12.04.2023.

JUDGE
NINTH INDUSTRIAL TRIBUNAL DURGAPUR
GOVT. OF WEST BENGAL

Sd/-

(Sujit Kumar Mehrotra)
12.04.2023,
Judge, 9th Industrial Tribunal,

Durgapur.

JUDGE
NINTH INDUSTRIAL TRIBUNAL DURGAPUR
GOVT. OF WEST BENGAL