

402210/2023

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/. 455 . . / (LC-IR)

Date: 02/06/.. 2023

**ORDER**

WHEREAS an industrial dispute existed between M/s. Arun Electricals Pvt. Ltd., 3, Dharmatala Road (South), Belur, Dist. - Howrah, Pin - 711202 and their workmen represented by Howrah Metal and Engineering Worker's Union (Regd No. 7491), 252/1, Panchanantala Road, Howrah - 1 regarding the issue, being a matter specified in the second schedule to the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the workmen have filed an application under section 10(2A) of the Industrial Dispute Act, 1947 (14of 1947) to the Judge, Second Industrial Tribunal, Kolkata specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, Second Industrial Tribunal, Kolkata heard the parties under section 10(2A) of the I.D. Act, 1947 (14of 1947).

AND WHEREAS Second Industrial Tribunal, Kolkata has submitted to the State Government its Award under section 10(2A) of the I.D. Act, 1947 (14of 1947) on the said Industrial Dispute.

Now, THEREFORE, in pursuance of the provisions of Section 17 of the Industrial Dispute Act, 1947 (14of 1947), the Governor is pleased hereby to publish the said Award dated 17/05/2023 as shown in the Annexure hereto vide memo no. 603- L.T. dated - 18/05/2023.

**ANNEXURE**

(Attached herewith)

By order of the Governor,

*SAU*

Assistant Secretary  
to the Government of West Bengal

I/402210/2023

:2:

No. Labr/. 455/1(5)/(LC-IR)

Date: 02/06/2023

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

1. M/s. Arun Electricals Pvt. Ltd., 3, Dharmatala Road (South), Belur, Dist. - Howrah, Pin - 711202.
2. Howrah Metal and Engineering Worker's Union (Regd No. 7491), 252/1, Panchanantala Road, Howrah - 1.
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, (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.

*3m*  
Assistant Secretary

No. Labr/. 455/2(2)/(LC-IR)

Date : 02/06/2023

Copy forwarded for information to: -

1. The Judge, Second Industrial Tribunal, West Bengal, with respect to his Memo No. 603- L.T. dated - 18/05/2023.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

*3m*  
Assistant Secretary

**Case No. VIII-33/2022**

Order No.06 dated:17.05.2023

The Director of the O.P. Company namely Amitabh Khemani personally appears today.

The Petitioner is absent and no steps has been taken for him and none appears for the Petitioner.

On perusing the record I find that on 21.10.2022 the Case No.VIII-33/2022 Under Section 10(2A) of the Industrial Disputes Act, 1947 was received from the Labour Department, West Bengal and the Labour Department, West Bengal referred this case to this Tribunal for disposal.

By Order No.01 dated 21.10.2022 notice was sent to the Petitioner under Speed Post directing him to appear this Tribunal on 22.11.2022 and submit his Written Statement for disposal of this case and on 22.11.2022 the Petitioner was absent and then on the next date on 19.01.2023 the Petitioner was absent and then on 20.03.2023 the Petitioner was absent but the Director of the O.P. Company personally appeared before this Tribunal and filed a petition praying for the settlement of the disputes and then 18.04.2023 was fixed for appearance of both sides and hearing of the compromise petition and one copy of the order dated 20.03.2023 was sent to the Petitioner for information and appearance before this Tribunal on 18.04.2023 and on 18.04.2023 the said Director of the O.P. Company namely Amitabh Khemani personally appeared but the Petitioner was absent and according to the Track Report of the Speed Post, the notice was delivered to the Petitioner on 01.04.2023 but the Petitioner did not appear and on that date the said Director of the O.P. Company again submitted that he is ready to compromise the case with the Petitioner as he has been suffering from acute illness and accordingly one more chance was given to the Petitioner for his appearance on the next date and a copy of the order dated 28.04.2023 alongwith the compromise petition dated 20.03.2023 filed by the O.P. Company was sent to the Petitioner directing him to appear before this Tribunal on 17.05.2023.

On 17.05.2023 the said Director of the O.P. Company personally appeared but the Petitioner did not attend the Tribunal though as per the Speed Post Track Report, on 28.04.2023 the Petitioner received the said notice.

So the above circumstances clearly prove that though the Petitioner has filed this case in 2022 but he has not been appearing for further proceedings of this case. On the contrary, the Director of the O.P. Company has been attending the Tribunal in ill condition with a compromise petition to settle the disputes.

Today the said Director of the O.P. Company has filed prescriptions of different Doctors to show his acute illness.

As the Petitioner is not interested to proceed with this case further and he has not been attending this Tribunal in spite of receiving notice many times, I hold that there is no legal necessity to proceed with this case.

Hence, it is

**ORDERED**

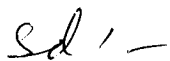
that the Case No.VIII-33/2022 Under Section 10(2A) of The Industrial Disputes Act 1947 is dismissed for default against the O.P. Company without cost.

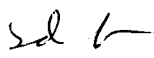
Let this judgement and order be treated as an Award.

According to Section 17AA of The Industrial Disputes Act, 1947, let a certified copy of this award be sent to the Principal Secretary to the Government of West Bengal, Labour Department, New Secretariat Buildings, 1, K.S. Roy Road, Kolkata 700 001 for information, and let a certified copy of this award be supplied to each of both the parties of this case, free of cost, forthwith for information.

The case is disposed of today.

Dictated & corrected by me.

  
Judge  
**Judge**  
**2nd Industrial Tribunal**  
**West Bengal**

  
(P.S. Mukhopadhyay)  
Judge  
2nd Industrial Tribunal  
Kolkata  
**Judge**  
**2nd Industrial Tribunal**  
**West Bengal**