

I/523987/2024

LABR-22015(16)/35/2024-IR SEC-Dept. Of LABOUR

Government of West Bengal
Labour Department, I. R. Branch

N. S. Building, 12th Floor, 1, K. S. Roy Road, Kolkata – 700001

No. Labr/ 566 / (LC-IR)/22015(16)/35/2024

Date : 14-06-2024

ORDER

WHEREAS an industrial dispute existed between M/s. BTe-Serv (India) Private Ltd. , 1st , 2nd , 3rd Floor, Tower ID, DLF ITES SEZ, Plot No. 11, F/1, Block 11F, Action Area, 11, New Town, Rajarhat, Kolkata - 700156 and Shri Saptarshi Roy, S/o Snehangshu Bhusan Roy, Block-B, Flat No. 5H, Geetanjali Garden, 71, Roy Bahadur Road, Behala, Kolkata- 700053 regarding the issues, being a matter specified in the second schedule to the Industrial Dispute Act, 1947 (14 of 1947) ;

AND WHEREAS the parties have filed an application under section 10(1B)(d) of the Industrial Dispute Act, 1947 (14 of 1947) to the Seventh Industrial Tribunal, Kolkata specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997 ;

AND WHEREAS the said Seventh Industrial Tribunal, Kolkata has submitted to the State Government its Award dated 31.05.2024 in case No. - 02 of 2019 under section 10(1B)(d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide Memo No. Dte/7th I.T./093/2024 dated 06.06.2024 ;

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

No. Labr/ 566 /1(5)/(LC-IR)

Date : 14-06-2024

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

1. M/s BTe-Serv (India) Private Ltd. , 1st , 2nd , 3rd Floor, Tower ID, DLF ITES SEZ, Plot No. 11, F/1, Block 11F, Action Area, 11, New Town, Rajarhat, Kolkata - 700156.
2. Shri Saptarshi Roy, S/o Snehangshu Bhusan Roy, Block-B, Flat No. 5H, Geetanjali Garden, 71, Roy Bahadur Road, Behala, Kolkata- 700053.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The OSD & EO 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.

sd/-
Assistant Secretary

No. Labr/ 566 /2(3)/(LC-IR)

Date : 14-06-2024

Copy forwarded for information to :-

1. The Judge, Seventh Industrial Tribunal, N. S. Building, 3rd Floor, 1, K.S. Roy Road, Kolkata - 700001 with respect to his Memo No. Dte/7th I.T./093/2024 dated 06.06.2024.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.
3. Office Copy.

Assistant Secretary

H.A.(IT)
14/06/24
Dipankar
14/06/2024

In The Seventh Industrial Tribunal, West Bengal

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

Case No. 02 of 2019

Under Section 10(1B)(d)

Saptarshi Roy, S/o Snehangshu Bhusan Roy, Block – B, Flat No. 5H,
Geetanjali Garden, 71, Roy Bahadur Road, Behala, Kolkata – 700 053.

.....Applicant

-VS-

M/s. BTe-Serv (India) Private Ltd., 1st, 2nd, 3rd Floor, Tower ID, DLF ITES
SEZ, Plot No. 11, F/1, Block 11F, Action Area, 11, New Town, Rajarhat ,
Kolkata – 700 156, West Bengal, India.Opposite Party

A W A R D

Dated 31.05.2024

Both the parties are absent without steps.

Today is fixed for passing no dispute award in view of order no. 40 dt.
28.03.2024.

Case record is taken up for passing award.

This case has been filed by the applicant/workman Saptarshi Roy under Section 10(1B)(d) of the Industrial Disputes Act, 1947 against his employer M/s. BTe-Serv (India) Private Ltd. in connection with termination of his service with effect from 27.03.2018 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 vide order dated 23.09.2021 show cause was issued fixing 08.12.2021 for appearance and filing reply to show cause by the applicant as to why no dispute award shall not be passed in view of his non appearance before this Tribunal.

On 28.03.2024 an order was passed stating that since the notice sent to the applicant long back has not been received back by this Tribunal, hence, it can safely be presumed that the notice has been served upon the applicant. On that also neither the applicant nor his Ld. Advocate was present before this Tribunal and the Ld. Advocate for the O.P. submitted that since last 2

Contd.....P/2

Yogita Gaurisaria
Judge
Seventh Industrial Tribunal
31.05.24



(2)

years the applicant has not been appearing before this Tribunal and is intentionally harassing the O.P./Company and prayed to pass no dispute award in this case. However, on 28.03.2024 for ends of justice a fresh notice was issued upon the applicant asking him to appear on 17.05.2024 and to file reply to show cause as to why no dispute award shall not be passed in the instant case. Thereafter, on 17.05.2024 it appeared from the postal track report that the notice sent to the applicant has been delivered with postal remark 'Item Delivered to the Addressee'. But on the said date also none appeared for the applicant on repeated calls and the applicant did not think it necessary to appear before this Tribunal and to file reply to show cause in view of order no. 40 dated 28.03.2024. Therefore, it is clear that the applicant is not willing to proceed further with his present case/dispute.

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

O r d e r e d

that the case being No. 02 of 2019 U/s 10(1B)(d) 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.

Yogita Gaurisaria
Judge

Judge
Seventh Industrial Tribunal

Yogita Gaurisaria
(Yogita Gaurisaria)

Judge
7th Industrial Tribunal
Kolkata
31.05.2024

Judge
Seventh Industrial Tribunal