

1/209092/2022

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

N.S. Buildings, 12<sup>th</sup> Floor, 1, K.S. Roy Road, Kolkata - 700001

No. Labr/ 721/ (LC-IR)/11L-182/11 Date : 25/07/2022

**ORDER**

WHEREAS under reference of Labour Department's Order No. 1020-IR/11L-182/11 dated 14.10.2011 the Industrial Dispute between M/s Rehab Lifting Co. Pvt. Ltd., '2A Satyam', (2<sup>nd</sup> Floor), 46 D, Rafi Ahmed Kidwai Road, Kolkata - 700016 and their twelve workmen regarding the issue mentioned in the said order, being a matter specified in the Third Schedule to the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Fifth Industrial Tribunal, Kolkata.

AND WHEREAS the said Fifth Industrial Tribunal, Kolkata, has submitted to the State Government its Award dated 14.07.2022 on the said Industrial Dispute vide Memo No. 1097 - L.T. dated 14.07.2022.

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/-*

Joint Secretary

to the Government of West Bengal

No. Labr/ 721/ (LC-IR)

Date : 25/07/2022

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

1. M/s Rehab Lifting Co. Pvt. Ltd., '2A Satyam', (2<sup>nd</sup> Floor), 46 D, Rafi Ahmed Kidwai Road, Kolkata - 700016.
2. The Secretary, Haldia Dock Complex Thikadar & Agency Sramik Union, Shramik Bhaban, P.O. - Debhog, Ranichak, Haldia, Dist.- Purba Medinipur.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B. New Secretariat Buildings, 1, K. S. Roy Road, 11<sup>th</sup> Floor, Kolkata- 700001.
5. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.

*[Signature]*

Joint Secretary

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

Date : ..... 2022

Copy forwarded for information to :

1. The Judge, Fifth Industrial Tribunal, Kolkata with reference to his Memo No. 1097 - L.T. dated 14.07.2022.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.
3. Office Copy.

Joint Secretary



In the matter of an industrial dispute exists between M/s. Rehab Lifting Co. (P) Ltd., "2A Satyam", (2<sup>nd</sup> Floor), 46D, Rafi Ahmed Kidwai Road, Kolkata – 700 016 and their Twelve workmen relating to the under mentioned issued being a matter specified in the Third Schedule to the Industrial Disputes Act, 1947 (14 of 1947); Vide Order No. Labr./1020-I.R./I.R./11L-182/11, dated 14/10/2011 and also Notification No. 808-IR/IR/3A-2/57, dated 11/03/1957.

(Case No. VIII-40/2011)

Before the Fifth Industrial Tribunal: West Bengal  
Present Sri Kamal Sarkar,  
Judge, Fifth Industrial Tribunal,  
West Bengal.

**A W A R D**

**Dated: 14/07/2022**

An industrial dispute between M/s. Rehab Lifting Co. (P) Ltd., "2A Satyam", (2<sup>nd</sup> Floor), 46D, Rafi Ahmed Kidwai Road, Kolkata – 700 016 and their Twelve workmen relating to the under mentioned issued being a matter specified in the Third Schedule to the Industrial Disputes Act, 1947 (14 of 1947); Vide Order No. Labr./1020-I.R./I.R./11L-182/11, dated 14/10/2011 and also Notification No. 808-IR/IR/3A-2/57, dated 11/03/1957, to this Tribunal for adjudication on the following issues:-

**I S S U E (S)**

1. Whether the lock-out declared by M/s. Rehab Lifting Co. Pvt. Ltd. with effect from 24/07/2009 is justified ?
2. What relief, if any, is the workmen entitled to ?

The case record is taken up for passing order.

On perusal the case record it appears that both the parties were show caused by this Tribunal but surprisingly on the last occasion i.e. on 03/06/2022, none of the parties has appeared before this Tribunal nor filed any show cause letter. From scrutiny of the record it further reveals that in spite of several opportunities had given to the Workmen they did not come forward to contest and / or to proceed with the hearing of this case. It further reveals that several opportunities had also given to the OP/Company namely M/s. Rehab Lifting Co. (P) Ltd., but surprisingly company also did not appear before this Tribunal since 02/04/2018 and the workmen are also not appearing before this Tribunal since 02/04/2018. Accordingly this Tribunal show caused both the parties on 28/04/2022 and dated was fixed for filling show cause by both the parties on 03/06/2022 but on the date fixed none of the parties appeared and also not filed any show cause.

Considering the above facts and circumstances, it is clear that both the parties i.e. the twelve numbers of workmen and OP/Company M/s. Rehab Lifting Co. (P) Ltd., are not interested to proceed with the hearing of this case. Therefore this Tribunal has no hesitation to hold that there is no dispute exists at present between the parties and as such the case is liable to be disposed off in view of Rule 22 of the West Bengal Industrial Dispute Rule, 1958.

Hence,

**ORDERED**

that Industrial Dispute under Vide Order No. Labr./1020-I.R./I.R./11L-182/11, dated 14/10/2011 and also Notification No. 808-IR/IR/3A-2/57, dated 11/03/1957, is no longer in-existence and accordingly the case is disposed off and this order is to be treated as No Dispute Award between the parties.

Dictated & Corrected by me

*Kamal Saman*

Judge

5<sup>th</sup> Industrial Tribunal

Kolkata.

14/07/2022

*Judge,  
5th Industrial Tribunal  
Govt. of West Bengal*

*Kamal Saman*

Judge

5<sup>th</sup> Industrial Tribunal

Kolkata.

14/07/2022

*Judge,  
5th Industrial Tribunal  
Govt. of West Bengal*