

I/185654/2022

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

No. Labr/. 358 . /(LC-IR)/22015(16)/7/2022.

Date 05/04/2022

ORDER

WHEREAS an industrial dispute existed between M/s Gloster Limited, Post Office - Fort Gloster, District - Howrah, PIN - 711310 and their workman Janab Samsuddin Sekh, Village - Sibramchak, Dakshinpara, Raghuderpur, P.O. & P.S. - Uluberia, Dist - Howrah, PIN - 711310 regarding the issues being a matter specified in the Second schedule of the Industrial Dispute act, 1947 (14of 1947);

AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute act, 1947 (14of 1947) to the Second Industrial Tribunal Specified for this purpose under this Department Notification No. 101-IR dated 2.2.12;

AND WHEREAS the Second Industrial Tribunal has submitted to the State Government its Award dated 10/03/2022 vide memo no. 358 - L.T. dated 16/03/2022.

NOW, THEREFORE, in pursuance of the provisions of Section 17 of the Industrial Disputes 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,


Joint Secretary
to the Government of West Bengal

I/185654/2022

(2)

No. Labr...358.../1(2) - IRDated 05/04/2022.

Copy forwarded for information to:

1. The Judge, Second Industrial Tribunal with reference to his Memo No. 358 - L.T. dated 16/03/2022.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

Sd/-
Joint Secretary

No. Labr...358.../2(5) - IRDated 05/04/2022

Copy with a copy of the Award is forwarded for information & necessary action to:

1. M/s Gloster Limited, Post Office - Fort Gloster, District - Howrah, PIN - 711310.
2. Janab Samsuddin Sekh, Village - Sibramchak, Dakshinpara, Raghuderpur, P.O. & P.S. - Uluberia, Dist - Howrah, PIN - 711310.
3. The Assistant Labour Commissioner, W.B., In-Charge of 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.

[Signature]
Joint Secretary

Before the 2nd Industrial Tribunal, Kolkata

Present : Shri Partha Sarathi Mukhopadhyay, Judge

2nd Industrial Tribunal, Kolkata

Case No. 04 of 2018

Under Section 2A(2) of The Industrial Disputes Act, 1947

Janab Samsuddin Sekh

-Vs-

M/S. Gloster Limited

Order No. 52 dated 10.03.2022

The Ld. Lawyers of both the parties are present.

The workman is absent.

The Ld. Lawyer for the workman submits that inspite of calling his client repeatedly for a long time, he did not receive the call and accordingly he has no instruction from his client and today also he did not receive his call and accordingly he has submitted that he will not take any steps in this case and prays for necessary order.

Heard the Ld. Lawyer for the O.P. and she submits that she is ready to cross-examine the workman as his cross-examination has not been completed earlier.

On perusing the record, I find that on 24.09.2019 cross-examination of the workman was done and then deferred and thereafter the case has been pending for further cross-examination of the workman and today also he is absent and for this reason his cross-examination is lying incomplete for which his entire evidence has no legal value.

As the workman is not interested to proceed further in this case as per submission of his Ld Lawyer and as the Lawyer has no instruction from his client, I hold that this case should be dismissed for non-prosecution.

Hence, it is

ORDERED


that the case No.04 of 2018 under Section 2A(2) of The Industrial Disputes Act, 1947 is dismissed for non-prosecution against the opposite party company without cost.


Let this 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


(P.S. Mukhopadhyay)
Judge
2nd Industrial Tribunal