

I/188072/2022

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/ 399/(LC-IR)/ 22015(16)/113/2018 Date: 18/04/ 2022

**ORDER**

WHEREAS under the Government of West Bengal, Labour Department Order No. 130/IR/11L-06/18 dated 23/02/2018 the Industrial Dispute between M/s Sri D. K. Dugar, Proprietor, Control Engineering Company, J-1/4, EP Block, Sector-V, Salt Lake City, Kolkata-700091 and Sri Rajendra Singh, NP-435/1, S. K. Furnishing, Naya Patty, Salt Lake, Sector-V, Kolkata-700102 regarding the issue mentioned in the said order, being a matter specified in the Second Schedule to the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Judge, Fifth Industrial Tribunal, West Bengal.

AND WHEREAS the said Fifth Industrial Tribunal, West Bengal, has submitted to the State Government its award dated 29/03/2022 on the said Industrial Dispute vide memo no 415 - L.T. dated - 04/04/2022.

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,

  
Joint Secretary

to the Government of West Bengal

No. Labr/ 399/(15)/(LC-IR)

Date: 18/04/ 2022

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

1. M/s Sri D. K. Dugar, Proprietor, Control Engineering Company, J-1/4, EP Block, Sector-V, Salt Lake City, Kolkata-700091.
2. Sri Rajendra Singh, NP-435/1, S. K. Furnishing, Naya Patty, Salt Lake, Sector-V, Kolkata- 700102.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D & E.O. Labour Commissioner, W.B. New Secretariate 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.

  
Joint Secretary

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

Date: ... .. 2022

Copy forwarded for information to:

1. The Judge, Fifth Industrial Tribunal, West Bengal with reference to his Memo No. 415 - L.T. dated - 04/04/2022.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.

Joint Secretary



In the matter of an industrial dispute between the Employers i.e. Sri D. K. Dugar, Proprietor, Control Engineering Company, J-1/4, EP Block, Sector-V, Salt Lake City, Kolkata – 91 and his workman Sri Rajendra Singh of NP-435/1, S. K. Furnishing, Naya Patty, Salt Lake, Sector-V, Kolkata - 102, referred to this Tribunal Vide G. O. No. Labr./130/(LC-IR),/ IR/11L-06/18 dated 23/02/2018 and reference no. 3115-IR/IR/3A-6/59, dated 21/06/1960.

**(Case No. 03/2018)**

Before the Fifth Industrial Tribunal: West Bengal

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

**A W A R D**

An industrial dispute between the Employer i.e. Sri D. K. Dugar, Proprietor, Control Engineering Company, J-1/4, EP Block, Sector-V, Salt Lake City, Kolkata – 91 and his workman Sri Rajendra Singh of NP-435/1, S. K. Furnishing, Naya Patty, Salt Lake, Sector-V, Kolkata - 102, Tribunal Vide G. O. No. Labr./130/(LC-IR),/ IR/11L-06/18 dated 23/02/2018 and reference no. 3115-IR/IR/3A-6/59, dated 21/06/1960, to this Tribunal for adjudication on the following issues:-

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

1. Whether the termination of service of the workman by way of refusal of employment with effect from 07/04/2017 by Controlling Engineering Company is justified ?
2. What relief, if any, the workman is 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 22/03/2022, 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 Workman Sri Rajendra Singh, he did not come forward to contest and / or to proceed with the hearing of this case. It further reveals that several opportunities had given to the OP/Company for filling the draft copy of the Paper Publication since 28/01/2020, but surprisingly company also did not file the same and accordingly this Tribunal show caused the OP/Company but the OP/Company also did not file any show cause letter and also not appeared before this Tribunal on the date fixed.

Further it reveals from the case record that show cause notice was also issued to the workman which has been returned with postal remark “can’t be located” which has kept with the record.

Considering the above facts and circumstances, it is clear that both the parties i.e. the petitioner Sri Rajendra Singh and OP M/s. Control Engineering Company are not insisted 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 reference no. 3115-IR/IR/3A-6/59, dated 21/06/1960 and also vide reference order no. Labr./130/(LC-IR)/ IR/11L-06/18 dated 23/02/2018, 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

*Sdt-*  
Judge

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

*Sdt-*  
Judge  
Fifth Industrial Tribunal  
Kolkata  
29-03-22

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

