

I/188335/2022

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/. 407(LC-IR)/22015(16)/9/2022.

Date 17/04/2022

**ORDER**

WHEREAS an industrial dispute existed between Howrah Municipal Corporation, 4, Mahatma Gandhi Road, Howrah, Pin - 711101 & M/s. Smart Security Service, 31, Ananda Kumar Roy Chowdhury Lane, Shibpur, Howrah, Pin - 711102 and their workman Shri Amar Paul, Pipilai Porelpara, Nanua Panchayet, Block & P. S. Domjur, P. O. Jagadishpur, Dist - Howrah, Pin - 711114 regarding the issues being a matter specified in the Second schedule of the Industrial Dispute act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute act, 1947 (14 of 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 31/03/2022 vide memo no. 444 - L.T. dated 06/04/2022.

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,

Sd/-

Joint Secretary  
to the Government of West Bengal

'188335/2022

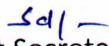
(2)

No. Labr./402/1(2) - IR

Dated 19/04/2022.

Copy forwarded for information to:

1. The Judge, Second Industrial Tribunal with reference to his Memo No. 444 - L.T. dated 06/04/2022.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

  
Joint Secretary

No. Labr./402/2(6) - IR

Dated 19/04/2022

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

1. M/s Smart Security Service, 31, Ananda Kumar Roy Chowdhury Lane, Shibpur, Howrah, Pin - 711102.
2. Shri Amar Paul, Pipilai Porelpara, Nanua Panchayet, Block & P. S. Domjur, P. O. Jagadishpur, Dist. - Howrah, Pin - 711114.
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 (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.
6. The Mayor, Howrah Municipal Corporation, 4, Mahatma Gandhi Road, Howrah, Pin - 711101.

  
Joint Secretary

**Before the Second Industrial Tribunal, Kolkata**

**Present : Shri Partha Sarathi Mukhopadhyay, Judge**

**2<sup>nd</sup> Industrial Tribunal, Kolkata**

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Case No. 03 of 2015

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

Amar Paul

-Vs-

- 1) The Mayor, Howrah Municipal Corporation &
- 2) M/s. Smart Security Services.

Dated, 31.03.2022

**J U D G E M E N T**

The case of the petitioner, in short, is that on 01.06.2014 his service was terminated by way of refusal of employment and the said termination was illegal and incorrect and for this reason he has filed this case for his reinstatement with full back wages and consequential benefits.

The O.P.-2, M/s. Smart Security Services has contested this case by filing one written statement and he has denied all the allegations of the petitioner in the written statement. This O.P.-2 has stated that the petitioner has not been appointed by this O.P.-2 and after 31.05.2014, he was absent without any notice for a considerable period and this O.P.-2 has not issued any termination letter to the petitioner and all the allegations of the petitioner are baseless and totally false.

Contd....2/-



The O.P.-2 has not filed any written statement in this case.

Thereafter, three issues have been framed by this Tribunal as follows:-

1. Whether the termination of workman, Shri Amal Paul by way of refusal of employment is justified or not.
2. Whether the workman, in question, was terminated from service after being engaged by the company.
3. If not, what other relief, if any, the workman is entitled to?

The record shows that thereafter the petitioner as the PW-I has deposed in this case but his cross examination has not been completed as he did not attend this Tribunal inspite of getting sufficient opportunities and his cross examination is remaining incomplete and on 08.04.2019 he was cross examined for the last time and thereafter he did not attend for completion of his cross examination. So, the entire evidences of the PW-I are remaining incomplete.

Thereafter, the OPW-I, Sk. Rafiquddin Ahmed has deposed in this Tribunal on behalf of the O.P.-2 of this case but his evidence was expunged by order dt. 20.11.2019 passed by this Tribunal and then again this witness filed affidavit-in-chief and he was examined as the OPW-2 and he was cross examined in full on 30.12.2019 and thereafter he did not appear for cross examination by the O.P.-1 of this case and then the case was closed and fixed for hearing argument but thereafter both parties did not appear to make submission for argument inspite of getting many opportunities.

So the evidences of the petitioner (PW-1) and the OPW-2 are remaining incomplete which cannot be given any legal value and as the petitioner has filed this case, he has to prove his case by evidence but his evidence is remaining incomplete and accordingly his incomplete evidences cannot be legally considered to prove his case. Accordingly I hold that the petitioner has failed to prove this case against the O.P. and he is not entitled to get any relief in this case as prayed for.

Hence, it is

**ORDERED**

that the Case No. 03 of 2015 under Section 2A(2) of The Industrial Disputes Act, 1947 is dismissed on contest against the O.P.-2 and exparte against the O.P.-1 without cost.

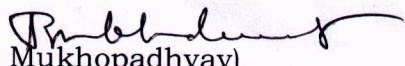
Let this judgement and order be treated as an Award.

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

  
(P.S. Mukhopadhyay)

Judge

2<sup>nd</sup> Industrial Tribunal