

/188402/2022

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/ 403/(LC-IR)/22015(16)/8/2022

Date: 19-04.2022.

**ORDER**

WHEREAS under the Government of West Bengal, Labour Department Order No. Labr/329/I.R dated 01/04/2022 the Industrial Dispute between M/s. Assembly of God Hospital & Research Centre, 125/1, Park Street, Kolkata - 700017 and its workmen Assembly of God Hospital & Research Centre, Nurses' Unity Forum, 9, Creak Row, Kolkata - 700014 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, Second Industrial Tribunal, West Bengal.

AND WHEREAS the Second Industrial Tribunal, West Bengal, has submitted to the State Government its award dated 25/03/2022 on the said Industrial Dispute vide memo no. 409 - L. T. dated. 01/04/2022.

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,

sd/

Joint Secretary  
to the Government of West Bengal

I/188402/2022

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

Date: ...../2022.

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

1. M/s. Assembly of God Hospital & Research Centre, 125/1, Park Street, Kolkata - 700017.
2. Assembly of God Hospital & Research Centre, Nurses' Unity Forum, 9, Creak Row, Kolkata - 700014.
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, Second Industrial Tribunal, West Bengal with reference to his Memo No. 409 - L. T. dated. 01/04/2022.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.

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. VIII-47 of 2001

**Under Section 10(2A) of The Industrial Disputes Act, 1947**

M/s. Assembly of God Hospital & Research Centre

-Vs-

The workman represented by the Secretary, Assembly of God Hospital &  
Research Centre, Nurses' Unity Forum.

Dated, 28.03.2022

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

This is a case under Section 10(2A) of The Industrial Disputes Act, 1947 and the case has been referred to this Tribunal by the Govt. of West Bengal, Labour Department for adjudication and two issues have been framed by the Govt. of West Bengal, Labour Department and the issues framed are as follows:-

1. Whether the management was justified in terminating the services of 20 staff nurses mentioned in the list w.e.f. 17.02.2000.
2. To what relief, if any, are they entitled ?

Contd....2/-

Record shows that thereafter this Tribunal after hearing both sides, framed three additional issues:-

- 1) Are the twenty staff nurses concerned in the instant reference workmen within the meaning of the term as defined in Section 2(s) of The Industrial Disputes Act, 1947?
- 2) Is the Hospital an industry within the meaning of Section 2(j) of The Industrial Disputes Act, 1947?
- 3) Does the Union named in the Government order of reference have any locus standi in the matter?

Thereafter the petitioners have examined one witness viz. Rituparna Mahapatra as the PW-I and she deposed on many days and she lastly deposed on 21.11.2014 and on that date, her examination was not completed and thereafter many opportunities were given to her for completion of her examination but she did not appear and then her evidence was closed and dates were fixed for evidence of the Opposite Party but again by a petition dt. 27.02.2020 the petitioners prayed for recalling the PW-I for her further evidence and that prayer was allowed but thereafter also she did not appear for her further examination and her evidence was finally closed and the case was fixed for evidence of the Opposite Party and on the next date the Opposite Party submitted that they will not examine any witness because the evidence of the PW-I is lying incomplete and prayed for closing the case of the Opposite Party and thereafter argument was heard from the Ld. Lawyer for the Opposite Party.

As the examination of the PW-I has not been completed, her entire evidences on record have no legal value and for this reason I hold that there is no evidence in respect of the allegations of the petitioners against the Opposite Party, and incomplete evidence cannot be considered as the proof of the case of any party and accordingly I hold that the petitioners have failed to prove their case according to their allegations and as such they are not entitled to get any relief in this case.

Hence, it is

**ORDERED**

that the Case No. VIII-47 of 2001 under Section 10(2A) of The Industrial Disputes Act, 1947 is dismissed on contest against the O.P. company without cost.

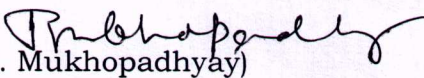
Let this judgement and order be treated as an Award.

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