

I/189392/2022

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

N.S. Buildings, 12th Floor, 1, K.S. Roy Road, Kolkata - 700001

No. Labr/. 432../(LC-IR)/22015(16)/10/2022

Date : 25/04/2022

ORDER

WHEREAS an industrial dispute existed between M/s Bagaria Agencies Pvt. Ltd., 12, Pollock Street, Room No. 10, 1st Floor, Kolkata - 700001 and its workman Smt. Aditi Mukhopadhyay, Aroni Abasan, Flat No. D4/116/6, Cripier Road, P.O. Konnagarh, P.S. Uttarpara, Hooghly - 712235 regarding the issues, being a matter specified in the second schedule to the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application under section 10(1B)(d) of the Industrial Dispute Act, 1947 (14 of 1947) to the Seventh Industrial Tribunal, Kolkata specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997;

AND WHEREAS the said Seventh Industrial Tribunal, Kolkata has submitted to the State Government its Award dated 07.04.2022 under section 10(1B)(d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide Memo No. 462 - L.T. dated 11.04.2022;

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

No. Labr/ 432../1(5)/(LC-IR)

Date : 25/04/2022

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

1. M/s Bagaria Agencies Pvt. Ltd., 12, Pollock Street, Room No. 10, 1st Floor, Kolkata - 700001.
2. Smt. Aditi Mukhopadhyay, Aroni Abasan, Flat No. D4/116/6, Cripier Road, P.O. Konnagarh, P.S. Uttarpara, Hooghly - 712235.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The OSD & EO Labour Commissioner, W.B., New Secretariat Buildings, (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

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

Date :2022

Copy forwarded for information to :-

1. The Judge, Seventh Industrial Tribunal, Kolkata, with respect to his Memo No. 462 - L.T. dated 11.04.2022.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Joint Secretary

Before The Seventh Industrial Tribunal, West Bengal

Present: Shri Ashis Kumar Das, Judge, Seventh Industrial Tribunal.

Case No.05/10(1B)(d) of 2016

Smt. Aditi Mukhopadhyay, Aroni Abasan, Flat No. D4/116/6, Criper Road, P.O
Konnagarh, P.S. Uttarpara, Hooghly - 712235.

.....Applicant

-VS-

M/S. Bagaria Agencies (P) Ltd, 12, Pollock Street, Room No. 10, 1st Floor,
Kolkata – 700 001.

..... Opposite Party

A W A R D

Dated 07.04.2022

Applicant Smt. Aditi Mukhopadhyay is absent without steps.

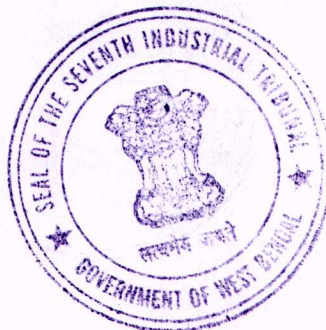
O.P. /Company is present through its Ld. Advocate.

Today is fixed for passing order regarding non filing of show cause by the
applicant in view of order no. 54 dt. 27.12.2021.

Case record is taken up for passing order.

This case has been filed by the applicant/workman Smt. Aditi Mukhopadhyay U/s 10(1B)(d) of the Industrial Disputes Act, 1947 against her employer M/s. Bagaria Agencies (P) Ltd. in connection with termination of her service by way of refusal of employment illegally with a prayer to reinstate her in service with full back wages and other consequential benefits.

Contd.....P/2



(2)

Perused the case record wherefrom it is seen that on 27.12.2021 case was fixed for further cross-examination of P.W.1 (Applicant), but applicant was found absent on that day on repeated calls and considering the previous conduct of the applicant, this Tribunal issued notice to the applicant directing her to appear before this Tribunal on 25.01.2022 and to submit show cause as to why no dispute award shall not be passed in the instant case. It further appears from the record that in view order dt. 27.12.2021 show cause notice under registered post with A/D was sent to the applicant and from the A/D card, so received, it appears that the said show cause notice was duly served upon the applicant on 13.01.2022 and applicant received the said notice by putting her signature with date on the A/D card, but the applicant did not think it necessary to appear before this Tribunal even also on the next date i.e. on 09.03.2022 and also did not think it necessary to file show cause in view of order no. 54 dt. 27.12.2021. Therefore, it is clear that the applicant is not willing to proceed with her present case further.

In view of the aforesaid conduct of the applicant, this Tribunal holds that no industrial disputes exist in between the parties. So, I am inclined to pass a 'No Dispute' Award on the footings that Industrial Disputes under Rule 22 under West Bengal Industrial Dispute Rules, 1958 is no longer in existence.

Contd.....P/3



(3)

Hence, it is

Ordered

That the case being No. 5 of 2016 U/s 10(1B)(d) of the Industrial Disputes Act, 1947 be and the same is dismissed for non existence of any Industrial Dispute. This is to be treated as ' No Dispute Award '.

This is my award.

Dictated & corrected by me.

SAI
Judge
Seventh Industrial Tribunal

SAI
(Ashis Kumar Das)
Judge
7th Industrial Tribunal
Kolkata
07.04.2022
Judge
Seventh Industrial Tribunal

