

I/191838/2022

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/475/(LC-IR)/ 22015(15)/2/2022 Date: 06/05/2022

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. 202/(LC-IR)/IR/11L-16/2018 dated 20/03/2018 the Industrial Dispute between M/s Precision Engineers & Fabricators (P) Ltd., 166B, Shyamaprasad Mukherjee Road, Suite No. 3D, Merlin Links, Kolkata-700036 and Sri Sumanta Ranjan Pal, A-1/47, Kalyani, P.O. & P.S.- Kalyani, Nadia, Pin - 741235 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 19/04/2022 on the said Industrial Dispute vide memo no 514 - L.T. dated - 19/04/2022.

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/475/(LC-IR)

Date: 06/05/2022

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

1. M/s Precision Engineers & Fabricators (P) Ltd., 166B, Shyamaprasad Mukherjee Road, Suite No. 3D, Merlin Links, Kolkata-700036.
2. Sri Sumanta Ranjan Pal, A-1/47, Kalyani, P.O. & P.S.- Kalyani, Nadia, Pin - 741235.
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.

*[Signature]*  
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. 514 - L.T. dated - 19/04/2022.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.

*[Signature]*  
Joint Secretary



In the matter of an industrial dispute exists between M/s. Precision Engineers & Fabricators (P), Ltd. With the Factory at 68, WBIDC Industrial Growth Centre, Gayeshpur, Kalyani, Nadia and Head Office at 166B, Shyamaprasad Mukherjee Road, Suite No. 3D, Merlin Links, Kolkata – 700036 and their workman Sri Sumanta Ranjan Pal, A-1/47, Kalyani, P.O. & P.S.-Kalyani, Nadia, Pin – 741235 relating to the under mentioned issues being a matter specified in the Third Schedule to the Industrial Disputes Act, 1947 (14 of 1947); Vide Order No. Labr./202/(LC-IR)/IR/11L-16/2018, dated 20/03/2018 and also Notification No. 3115-IR/IR/3A-6/59, dated 21/06/1960.

**(Case No. VIII-07/2018)**

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 M/s. Precision Engineers & Fabricators (P), Ltd. With the Factory at 68, WBIDC Industrial Growth Centre, Gayeshpur, Kalyani, Nadia and Head Office at 166B, Shyamaprasad Mukherjee Road, Suite No. 3D, Merlin Links, Kolkata – 700036 and their workman Sri Sumanta Ranjan Pal, A-1/47, Kalyani, P.O. & P.S.-Kalyani, Nadia, Pin – 741235 relating to the under mentioned issues being a matter specified in the Third Schedule to the Industrial Disputes Act, 1947 (14 of 1947); Vide Order No. Labr./202/(LC-IR)/IR/11L-16/2018, dated 20/03/2018 & also Notification No. 3115-IR/IR/3A-6/59, dated 21/06/1960 to this Tribunal for adjudication on the following issues:-

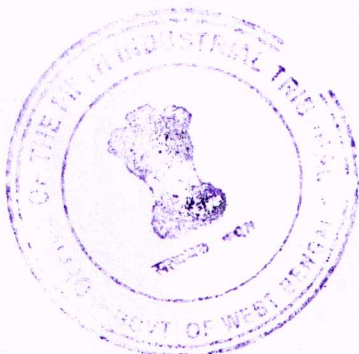
**ISSUE(S)**

1. Whether the alleged non-payment of Bonus for the years 2012-2013, 2013-2014 & 2014-2015 (upto 14.10.2014) by the Management to the Workman Sri Sumanta Ranjan Pal is justified?
2. What relief, if any, is the workman 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 08/04/2022, 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 Sumanta Ranjan Pal, 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 namely M/s. Precision Engineers & Fabricators (P), Ltd. but surprisingly company also did not file the same and accordingly this Tribunal show caused the OP/Company namely M/s. Precision Engineers & Fabricators (P), Ltd. Which was also not appeared before this Tribunal on the date fixed.

Considering the above facts and circumstances, it is clear that both the parties i.e. the petitioner Sri Sumanta Ranjan Pal and OP/Company M/s. Precision Engineers & Fabricators (P), Ltd. 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 Notification No. 3115-IR/IR/3A-6/59, dated 21/06/1960 and also Vide Order No. Labr./202/(LC-IR)/IR/11L-16/2018, dated 20/03/2018, 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



Judge  
5<sup>th</sup> Industrial Tribunal  
Kolkata.  
19/04/2022

Judge,  
5th Industrial Tribunal  
Govt. of West Bengal



Judge  
5<sup>th</sup> Industrial Tribunal  
Kolkata.  
19/04/2022

Judge,  
5th Industrial Tribunal  
Govt. of West Bengal

