

I/192554/2022

Government of West Bengal
Labour Department
I. R. Branch
N.S. Buildings, 12th Floor
1, K.S. Roy Road, Kolkata - 700001

No. Labr./.../(LC-IR)/22015(16)/17/2022
... 2022

Date : 12-05-2022

ORDER

WHEREAS an industrial dispute existed between M/s. Macstar Machine Tools Pvt. Ltd., 24, Netaji Subhas Road, Kolkata - 700001 and their workman Sri Ganesh Chandra Das, Son of Kesto Das, 5/A, Nayan Krishna Saha Lane, Kolkata - 700003 regarding the issues being a matter specified in the Second schedule of the Industrial Dispute act, 1947 (14of 1947);

AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute act, 1947 (14of 1947) to the Judge, Seventh Industrial Tribunal specified for this purpose under this Department Notification No. 101-IR dated 2.2.12;

AND WHEREAS the said Judge, Seventh Industrial Tribunal has submitted to the State Government its Award dated 25/04/2022 on the said Dispute vide memo no. 622 - L. T. dated 02/05/2022.

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

(2)

No. Labr ⁴⁸⁸...../1(2) – IRDate : ... ¹²⁻⁰⁵⁻ ... 2022

Copy forwarded for information to:

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 622 - L. T. dated 02/05/2022.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.


Joint SecretaryNo. Labr ⁴⁸⁸...../2(5) – IRDate : ... ¹²⁻⁰⁵⁻ ... 2022

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

1. M/s. Macstar Machine Tools Pvt. Ltd., 24, Netaji Subhas Road, Kolkata - 700001.
2. Sri Ganesh Chandra Das, Son of Kesto Das, 5/A, Nayan Krishna Saha Lane, Kolkata - 700003.
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 (11th Floor), 1, Kiran Sankar Roy Road, Kolkata – 700001.
- ✓ 5. The Deputy, IT Cell, Labour Department, with the request to cast the Award in the Department's website.


Joint Secretary

Before The Seventh Industrial Tribunal, West Bengal

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

Case No.13/2A(2) of 2013

Sri Ganesh Chandra Das, son of Kesto Das, 5/A, Nayan Krishna Saha Lane,
Kolkata – 700 003.

.....Applicant

-VS-

M/s.Macstar Machine Tools Pvt. Ltd., 24, Netaji Subhas Road, Kolkata – 700 001.

.....Opposite Party

A W A R D

Dated 25.04.2022

Applicant Sri Ganesh Chandra Das is absent without steps.

O.P. /Company is also absent without steps.

Today is fixed for passing necessary order.

Case record is taken up for passing order.

This case has been filed by the applicant/workman Applicant Sri Ganesh Chandra Das U/s 2A(2) of the Industrial Disputes Act, 1947 against his employer M/s.Macstar Machine Tools Pvt. Ltd. in connection with termination of his service with effect from 14.10.2012 illegally with a prayer to reinstate him in service with full back wages and other consequential benefits.

Perused the case record wherefrom it is seen that on 09.02.2022 this case was fixed for hearing argument of O.P.'s side 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 him to appear before this Tribunal on 28.03.2022 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. 09.02.2022 show cause notice under registered post with A/D was sent to the applicant, but returned unserved with postal remark 'Left' dt. 14.02.2022. It further appears from the record that the applicant stopped taking steps on and from 23.03.2021. So, I am not inclined to issue fresh show cause notice to the applicant. The applicant did not think it necessary to appear before this Tribunal till today and also did not think it necessary to file show cause in view of order no. 77 dt. 09.02.2022. Such conduct of the applicant clearly shows that the applicant is not willing to proceed with his present case further.



(2)

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.

Hence, it is

Ordered

That the case being No. 13 of 2013 U/s 2A(2) 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.

Sd/-
Judge

Judge
Seventh Industrial Tribunal



Sd/-

(Ashis Kumar Das)

Judge

7th Industrial Tribunal

Kolkata

25.04.2022

Judge
Seventh Industrial Tribunal