

I/192553/2022

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./489/(LC-IR)/22015(16)/16/2022  
... 2022

Date : 12-05-22

**ORDER**

WHEREAS an industrial dispute existed between M/s. R.K.D. Infrastructure Private Limited, 9-A, Broad Street, Kolkata - 700019 and their workman Sri Surajit Sarkar, 34/7, Karunamoyee Lane, P.O. Haridebpur, Kolkata - 700082 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 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 26/04/2022 on the said Dispute vide memo no. 621 - 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 489...../1(2) – IRDate : 12-05 ... 2022


Copy forwarded for information to:

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 621 - L. T. dated 02/05/2022.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

  
Joint SecretaryNo. Labr 489...../2(5) – IRDate : 12-05 ... 2022

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

1. M/s. R.K.D. Infrastructure Private Limited, 9-A, Broad Street, Kolkata – 700019.
2. Sri Surajit Sarkar, 34/7, Karunamoyee Lane, P.O. Haridebpur, Kolkata – 700082.
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, 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 2019**

Sri Surajit Sarkar, 34/7, Karunamoyee Lane, P.O. Haridebpur, Kolkata – 700 082.

.....Applicant

-VS-

M/S. R.K.D. Infrastructure Private Limited, 9-A, Broad Street, Kolkata – 700 019

.....Opposite Party

**A W A R D**

**Dated 26.04.2022**

Applicant Sri Surajit Sarkar is absent without steps.

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

Today is fixed for passing No Dispute Award order in view of order no. 22 dt. 03.12.2021.

Case record is taken up for passing order.

This case has been filed by the applicant/workman Sri Surajit Sarkar U/s 2A(2)) of the Industrial Disputes Act, 1947 against his employer M/S. R.K.D. Infrastructure Pvt. Limited in connection with termination of his service by way of refusal of employment 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 03.12.2021 case was fixed for appearance of both the parties and further order, but applicant was found absent on that day on repeated calls and considering such conduct of the applicant, this Tribunal issued notice to the applicant directing him to appear before this Tribunal on 04.01.2022 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. 03.12.2021 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, but the applicant did not think it necessary to appear before this Tribunal on the next date i.e. on 04.01.2022, 02.02.2022 and 17.03.2022 and also did not think it necessary to file show cause in view of order no. 22 dt. 03.12.2021. Therefore, it is clear 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 2019 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  
7<sup>th</sup> Industrial Tribunal  
Kolkata  
26.04.2022

**Judge**  
Seventh Industrial Tribunal