

I/195396/2022

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

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

No. Labr/ 527/(LC-IR)/11L-23/18 Date : 26.05 2022

ORDER

WHEREAS under reference of Labour Department's Order No. Labr./385/(LC-IR)/11L-23/18 dated 31.05.2018 the Industrial Dispute between M/s Industrial Engineers, 137, Boral Main Road, Jadavpur, Kolkata - 700084 and their workmen represented by Sri Ashis Jana, 92, Christopher Road, Kolkata - 700046 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 Fifth Industrial Tribunal, Kolkata.

AND WHEREAS the said Fifth Industrial Tribunal, Kolkata, has submitted to the State Government its Award dated 18.02.2022 on the said Industrial Dispute vide Memo No. 238 - LT dated 24.02.2022.

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,

Joint Secretary

to the Government of West Bengal

No. Labr/ 527 /1(5)/(LC-IR) Date : 26.05 2022

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

1. M/s Industrial Engineers, 137, Boral Main Road, Jadavpur, Kolkata - 700084
2. Sri Ashis Jana, 92, Christopher Road, Kolkata - 700046.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B. New Secretariat Buildings, 1, K. S. Roy Road, 11th 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/ 527 /2(2)/(LC-IR) Date : 26.05 2022

Copy forwarded for information to :

1. The Judge, Fifth Industrial Tribunal, Kolkata with reference to his Memo No. 238 - L.T. dated 24.02.2022.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.



Joint Secretary

In the matter of an Industrial Dispute between M/s. Industrial Engineers, 137, Boral Main Road, Jadavpur, Kolkata – 700 084 and their workmen represented Sri Ashis Jana, 92, Christopher Road, Kolkata 700 046.

(Case No. VIII-10/2018)

Before the Ld. 5th Industrial Tribunal, : West Bengal

P R E S E N T

SRI KAMAL SARKAR, JUDGE

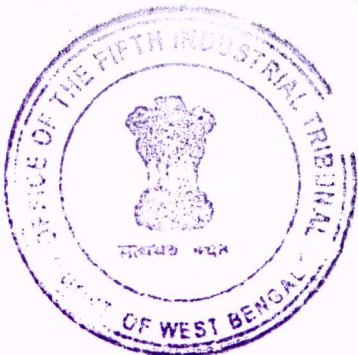
5th Industrial Tribunal, Kolkata

A W A R D

In the matter of an industrial dispute between M/s. Industrial Engineers, 137, Boral Main Road, Jadavpur, Kolkata – 700 084 and their workmen represented Sri Ashis Jana, 92, Christopher Road, Kolkata 700 046 has been referred by the Labour Department, Government of West Bengal, I.R. Branch, N.S. Buildings, 12th Floor, Kolkata-700 001 to the Seventh Industrial Tribunal vide, G.O. No. Labr./385(LC-IR)/IR/11L-23/18 dated 31.05.2018 for adjudication under Section 10 of Industrial Disputes Act, 1947 upon the under mentioned issues:-

I S S U E S

- 1] Whether the refusal of employment of 12 workers (Bablu Das, Prasanta Pramanik, Bimal Das, Sital Chandra Mujrai, Achintya Mondal, Madan Das, Sanku Roy, Swapan Das, Narayan Das, Kartick Ch. Naskar, Ashis Jana & Narayan Das) by M/s. Industrial Engineers since September, 2015 is justified?
- 2] What relief, if any, the workmen are entitled to?



This reference case record has been received from 7th Industrial Tribunal under G.O. No. Labr./699(LC-IR)/23099/15/2019 dated 26.07.2019 by the Labour Department, Government of West Bengal for disposal of the case. The workman, Sri Ashis Jana, representative of other workmen including himself is present in person today before this Tribunal. A verified application has been filed on behalf of the workmen by the Ld. Advocate, Sri Balai Paul. In the instant application the workman has stated that they do not want to proceed with the case because of the fact that the issue involved in the case has become infructuous as they have no other claim against the company. So, they pray for an order to that effect.

The main issue of the reference is as to whether the decision of the management of M/s. Industrial Engineers of stopping the increment of workmen is justified? As the company has not been appearing before this Tribunal since long, so this petition has proceeded exparte. The present case become infructuous and they do not want to proceed with the same that the dispute has been amicably settled between the present petitioners and the management and they are no more interested to continue this case.

Considering the above facts and circumstances and having regard to the submission of the workman himself, this Tribunal has no hesitation to come to the conclusion that the petitioner/workmen are not interested to proceed with the case and so it can safely be said that there is no dispute existing at present between the parties and therefore, the case is liable to be disposed of by passing final order in the form of 'No Dispute Award'.

Hence, it is

ORDERED

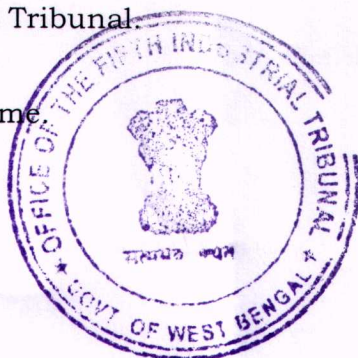
that the industrial dispute under reference no. Labr./385(LC-IR)/IR/11L-23/18 dated 31.05.2018 and Labr./699(LC-IR)/23099/15/2019 dated 26.07.2019 is no longer in existence and accordingly the case is closed and this order is to be treated as 'No Dispute Award' between the parties.

This is the Award of this Tribunal.

Dictated & corrected by me.

Sd/-
Judge

Judge,
5th Industrial Tribunal
Govt. of West Bengal



Sd/-
(Kamal Sarkar)
Judge

5th Industrial Tribunal
Judge,
5th Industrial Tribunal
Govt. of West Bengal

18-02-2022