

I/195398/2022

Government of West Bengal
Labour Department
I. R. Branch

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

528
No. Labr/.(LC-IR)/22015(15)/92/2019

26-95-
Date: 2022

ORDER

WHEREAS an industrial dispute existed between M/s. Eastern Paper Mills Limited, P-128, Lake Town, Block-A, 24-Parganas (North), Kolkata-700089 and their workmen Ashis Kr. Bose and others, 294, S. K. Deb Road, Kolkata-700048 regarding the issue, being a matter specified in the second schedule to the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the workmen has filled an application under section 10(2A) of the Industrial Dispute Act, 1947 (14of 1947) to the Judge, Second Industrial Tribunal, Kolkata specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, Second Industrial Tribunal, Kolkata heard the parties under section 10(2A) of the I.D. Act, 1947 (14of 1947).

AND WHEREAS Second Industrial Tribunal, Kolkata has submitted to the State Government its Award under section 10(2A) of the I.D. Act, 1947 (14of 1947) on the said Industrial Dispute.

Now, THEREFORE, in pursuance of the provisions of Section 17 of the Industrial Dispute Act, 1947 (14of 1947), the Governor is pleased hereby to publish the said Award dated 11/05/2022 as shown in the Annexure hereto vide memo no. 695- L.T. dated – 17/05/2022.

ANNEXURE

(Attached herewith)

By order of the Governor,

sd/

Joint Secretary
to the Government of West Bengal

I/195398/2022

No. Labr/ 528/1(5) / (LC-IR)

: 2 :

Date : 26-05-2022

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

1. M/s. Eastern Paper Mills Limited, P-128, Lake Town, Block-A, 24-Parganas (North), Kolkata-700089.
2. Sri workmen Ashis Kr. Bose and others, 294, S. K. Deb Road, Kolkata-700048.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. 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.

No. Labr/ 528/2(2) / (LC-IR)

Joint Secretary

Date : 26-05-2022

Copy forwarded for information to :-

1. The Judge, Second Industrial Tribunal, West Bengal, with respect to his Memo No. 695- L.T. dated – 17/05/2022.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata – 700001.

Join Secretary

Order No.183 dt. 11.05.2022

The petitioners are absent and none appears for them.

The Ld. Lawyer for the O.P. company is present.

Today is fixed for hearing argument on merit but the Ld. Lawyer for the petitioner is absent and for this reason the erstwhile Ld. Lawyer for the petitioner was called and then he came and submitted that on 19.02.2021 he has already submitted before this Tribunal that he has no instruction from the workmen and he will not take any step and today also he will not take any step as he has no instruction and he has retired from this case earlier and he will not submit any argument.

Record shows that the case is pending for hearing argument on merit for a long time and the petitioners are not attending this Tribunal and after 19.02.2021, the Ld. Lawyer for the petitioner also has not been attending this Tribunal for argument.

On being asked the Ld. Lawyer for the O.P. company orally submits that he will not submit any argument if none submits argument on behalf of the petitioners and accordingly the Ld. Lawyer for the O.P. company did not submit any argument.

So the present position is that none is appearing for the petitioners for submitting argument and the Ld. Lawyer for the O.P. company will not submit argument if none for the petitioners submits argument, but it is the law that during stage of argument if any party does not submit argument, there is no legal bar for the other side to submit argument.

So considering the conduct of both sides, I hold that both parties are not interested to proceed further and accordingly I also hold that the industrial dispute is no longer in existence between the parties.

Accordingly the case is taken up for passing Award.

This case was filed between M/s. Eastern Paper Mills Limited, P-128, Lake Town, Block-A, 24-Parganas (North), Kolkata-700 089 and their workmen, namely Ashis Kr. Bose and Others of 294, S.K. Deb Road, Kolkata – 700 048 under Section 10(2A) of The Industrial Disputes Act, 1947.

As both parties are not willing to proceed with this case, I hold that the case should be dismissed.

Hence, it is

ORDERED

that the case No. VIII-18 of 2008 under Section 10(2A) is dismissed as the industrial dispute between the parties is no longer in existence at present.


Let this judgement and order be treated as an Award.

According to Section 17AA of The Industrial Disputes Act, 1947, let a certified copy of this award be sent to the Principal Secretary to the Government of West Bengal, Labour Department, New Secretariat Buildings, 1, K.S. Roy Road, Kolkata 700 001 for information, and let a certified copy of this award be supplied to each of both the parties of this case, free of cost, forthwith for information.

The case is disposed of today.

Dictated & corrected by me.


Judge


(P.S. Mukhopadhyay)
Judge
2nd Industrial Tribunal