

I/208382/2022

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

No. Labr./706/(LC-IR)/

Date: 20.07.2022

ORDER

WHEREAS an industrial dispute existed between M/s. Bagree Estates Pvt. Ltd., 2. Smt. Radha Bagree, Director of Bagree Estates Pvt. Ltd., 3. Sri Varun Raj Bagree, Director of Bagree Estates Pvt. Ltd., 4. The Executive Officer, Director of Bagree Estates Pvt. Ltd., all of 7, Lyons Range, 2nd Floor, Kolkata - 700001 and their workman Sri Mithlesh Ojha S/o Late Chandradip Ojha, Bagree Market, 71, Biplabi Rash Behari Basu Road, Kolkata - 700001 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 22/06/2022 on the said Dispute vide memo no. 1029 - L. T. dated 11/07/2022.

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

208382/2022

(2)

No. Labr ...*706*.../1(2) - IRDate : ... *20.07* ... 2022

Copy forwarded for information to:

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 1029 - L. T. dated 11/07/2022.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

sdh
Joint

Secretary

No. Labr....*706*...../2(5) - IRDate : ... *20.07* ... 2022

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

1. M/s. Bagree Estates Pvt. Ltd., 7, Lyons Range, 2nd Floor, Kolkata - 700001.
2. Sri Mithlesh Ojha S/o Late Chandradip Ojha, Bagree Market, 71, Biplabi Rash Behari Basu Road, Kolkata - 700001.
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 Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.

[Signature]
Joint Secretary

Before The Seventh Industrial Tribunal, Kolkata, West Bengal

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

Case No.03/2A(2) of 2018

Sri Mithlesh Ojha , son of Late Chandradip Ojha, Bagree Market, 71, Biplabi
Rash Behari Basu Road , Kolkata – 700 001.

.....Applicant

-VS-

1. Bagree Estates Pvt. Ltd., 2. Smt. Radha Bagree , Director of Bagree Estates Pvt.
Ltd., 3. Sri Varun Raj Bagree, Director of Bagree Estates Pvt. Ltd, 4. The
Executive Officer, Bagree Estates Pvt. Ltd., all of 7, Lyons Range, 2nd Floor,
Kolkata -- 700 001.

.....Opposite Party

A W A R D

Dated 22.06.2022

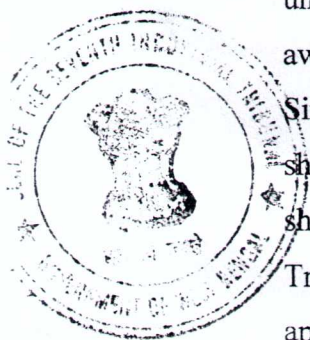
Applicant Sri Mithlesh Ojha is absent without steps.

Today is fixed for passing no dispute award in view of order no. 29 dt.

15.02.2022.

This case has been filed by the applicant/workman Sri Mithlesh Ojha U/s 2A(2)) of the Industrial Disputes Act, 1947 against Opposites Parties viz. 1. Bagree Estates Pvt. Ltd. , 2. Smt. Radha Bagree, Director, Bagree Estates Pvt. Ltd, 3. Varun Raj Bagree, Director, Bagree Estates Pvt. Ltd, & 4. The Executive officer, Bagree Estates Pvt. Ltd in connection with termination of his service through letter dt. 08.11.2017 by the Executive Officer of the Bagree Estates Pvt. Ltd. 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 15.02.2022 this case was fixed for ex parte hearing of argument, but applicant was found absent on that day on repeated calls. Considering such conduct of the applicant, this Tribunal issued notice under registered post with A/D directing the applicant to show cause as to why no dispute award shall not be passed. No S/R of notice (A/D Card) was received till 19.05.2022 . Since long time had been lapsed, this Tribunal presumed by its order dt. 19.05.2022 that show cause notice had duly been served upon the applicant and so, need not issue fresh show cause notice. Applicant did not think it necessary to appear personally before this Tribunal or to file show cause petition till today. Therefore, it can safely be said 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. 03 of 2018 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

Sd/-
Judge
(Ashis Kumar Das)
7th Industrial Tribunal
Kolkata
22.06.2022

Seventh Industrial Tribunal

