

I/208386/2022

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

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

No. Labr./709/(LC-IR)/22015(16)/22/2022 Date : 20/07/2022

ORDER

WHEREAS an industrial dispute existed between 1) M/s K.N.D. Engineering Technologies Ltd., 7A, Hospital Street, 2nd Floor, Kolkata – 700072, 2) Mr. P.N. Dadina, Director of the company, 10, Raja Subodh Mullick Street, 5th Floor, Kolkata – 700013 and its workman Shri Ashutosh Jana, Vill.- Kajibasan, P.O.- Baikunthapur, Dist.- East Midnapur, Pin - 721442 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 Seventh Industrial Tribunal specified for this purpose under this Department Notification No. 101-IR dated 2.2.12;

AND WHEREAS the said Seventh Industrial Tribunal has submitted to the State Government its Award dated 21.06.2022 on the said Dispute vide Memo No. 1032 - 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

Date : 20/07/2022

No. Labr/709/1(2)/(LC-IR)

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 1032 - L.T. dated 11.07.2022.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

sd/-

Joint Secretary

Date : 20/07/2022

No. Labr/709/2(7)/(LC-IR)

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

1. M/s K.N.D. Engineering Technologies Ltd., 7A, Hospital Street, 2nd Floor, Kolkata – 700072.
2. Mr. P.N. Dadina, Director of the company, 10, Raja Subodh Mullick Street, 5th Floor, Kolkata – 700013
3. Shri Ashutosh Jana, Vill.- Kajibasan, P.O.- Baikunthapur, Dist.- East Midnapur, Pin - 721442.
4. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
5. The O.S.D. & E.O. Labour Commissioner, W.B., New Secretariat Building (11th Floor), 1, Kiran Sankar Roy Road, Kolkata – 700001.
6. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.
7. Office Copy.



Joint Secretary

Before The Seventh Industrial Tribunal, Kolkata, West Bengal

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

Case No.35/2A(2) of 2018

Ashutosh Jana, Vill. Kajibasan, P.O. Baikunthapur, Dist, East Midnapur, , Pin – 721 442 (W.B.).

.....Applicant

-VS-

1) M/s. K.N.D. Engineering Technologies Ltd., 7A, Hospital Street, 2nd Floor, Kolkata – 700 072 and 2) Mr.P.N. Dadina, Director of the Company, 10, Raja Subodh Mullick Street, 5th Floor, Kolkata – 700 013.

.....Opposite Parties

A W A R D

Dated 21.06.2022

Applicant Sri Ashutosh Jana is present through his Ld. Advocate.

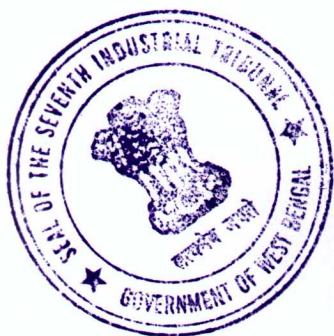
O.P. /Company is absent without steps.

Today is fixed for passing order in respect of petition dt. 08.04.2022 and also no dispute order in view of order no. 23dt. 18.02.2022.

Case record is taken up for passing order.

This case has been filed by the applicant/workman Sri Ashutosh Jana U/s 2A(2) of the Industrial Disputes Act, 1947 against his employer 1) M/s. K.N.D. Engineering Technologies Ltd., and 2) Mr.P.N. Dadina, Director of the Company in connection with termination of March, 2017 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 18.02.2022 the case was fixed for hearing in respect of petition dt. 12.04.2019, filed on behalf of O.P./Company, but on that day neither applicant nor O.P./Company was found present and considering the previous conduct of the applicant, this Tribunal issued notice to the applicant directing him to show cause as to why a no dispute award shall not be passed in the instant case. It further appears from the record that in view order dt. 18.02.2022, applicant filed verified show cause petition on 08.04.2022 praying for an order to drop the instant case. It further appears from the record that on 27.05.2022 applicant appeared before this Tribunal and this Tribunal took up the verified show cause petition dt. 08.04.2022 for hearing and



(2)

in course of hearing applicant submitted that he is not interested to proceed with the present case further and if no dispute award is passed in view of order dt. 18.02.2022, he has got no objection on the ground that the matter has already been settled in between him and the O.P./Company and he already received cheque of settled amount except gratuity. In view of above submission of applicant, I am of the view that no dispute award should be passed in the instant case on the ground that the matter has already been settled between the parties and applicant already received the cheque of settled amount.

Accordingly, this Tribunal holds that no industrial dispute exists 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. 35 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

Judge
Seventh Industrial Tribunal



Sd/-

(Ashis Kumar Das)

Judge

7th Industrial Tribunal

Kolkata

21.06.2022

Judge
Seventh Industrial Tribunal