

File No. LABR-22015(12)/28/2018-IR SEC-Dept. of LABOUR
1/37796/2019

Government of West Bengal
Labour Department
I.R. Branch
N.S.Bldgs., 12th floor
1, K.S.Roy Road, Kol-1.

No. Labr/135/(LC-IR)
22015(12)/28/2018

Dated, 07.02.19.

ORDER

WHEREAS under the Government of West Bengal, Labour Department, Order No.560-I.R. dated 28.5.2013 the Industrial Dispute between Messers Bowreah Jute Mills Pvt. Ltd., Howrah, P.O. – Fort Gloster, Dist.-Howrah, Pin-711310 and their workman represented by (1) Bowreah Jute Mills Pvt. Ltd. Workers' Union, Bowreah Jute Mills Pvt. Ltd., Howrah, P.O.-Fort Gloster, Dist.-Howrah, Pin-711310, and (2) Bengal Chalkal Majdoor Union, (3) National Union of Jute Workers, (4) Bengal Chalkar Majdoor Forum, (5) Paschim Bango Chatkal Majdoor Federation & (6) National Federation of Jute Workers' regarding the issue mentioned in the said order, being a matter specified in the Third Schedule to the Industrial Disputes Act, 1947 (14 of 1947), was referred for adjudication to the Judge, Second Industrial Tribunal, West Bengal.

AND WHEREAS the Judge of the said 2nd Industrial Tribunal, West Bengal has submitted to the State Government its award on the said Industrial Dispute;

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



Deputy Secretary to the
Government of West Bengal.

No. Labr/135/1(5)(LC-IR)

Dated, 07.02.19.

Copy with a copy of the award, forwarded for information and necessary action to :-
1. M/s. Bowreah Jute Mills Pvt. Ltd., Howrah, P.O.-Fort Gloster, Dist.-Howrah, Pin-711310

2. The Secretary, Bowreah Jute Mills Pvt. Ltd. Workers' Union, Bowreah Jute Mills Pvt. Ltd., Howrah, P.O.-Fort Gloster, Dist.-Howrah, Pin-711310.

3. The Assistant Labour Commissioner, West Bengal, In-Charge, Labour Gazette.

4. The Labour Commissioner, West Bengal, New Secretariat Buildings, 1, K.S. Roy Road, 11th floor, Kolkata-700 001,

✓ 5. The O.S.D., IT Cell, Labour Deptt., with the request to cast the Award in the Department's website.



Deputy Secretary

No.Labr/135/2(2)(LC-IR)

Dated, 07.02.19.

Copy forwarded for information to :-

1. The Judge, Second Industrial Tribunal, West Bengal with reference to his Memo No.102-L.T. dated 16.01.19.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata-700 001.

Deputy Secretary

Jnt/IR/order



In the matter of an industrial dispute between M/s. Bowreah Jute Mills Pvt. Ltd., Howrah, P.O. Fort Gloster, Dist. Howrah, PIN-711310 and their workman represented by 1) Bowreah Jute Mills Pvt. Ltd. Workers' Union, Address: Bowreah Jute Mills Pvt. Ltd., Howrah, P.O. Fort Gloster, Dist. Howrah, PIN-711310, and 2) Bengal Chalkal Majdoor Union, 3) National Union of Jute Workers, 4) Bengal Chalkar Majdoor Forum, 5) Paschim Bango Chatkal Majdoor Federation & 6) National Federation of Jute Workers' as per corrigendum vide No. 618-IR/IR/7L-01/13 dt. 19.05.2014 as per order of Governor, signed by Assistant Secretary to the Government of West Bengal, Labour Department, I.R. Branch, East India House, 20B, Abdul Hamid Street, 2nd Floor, Kolkata-69, address of unions from serial No. 2 to serial No. 6 being P.O.- Gloster, Dist. Howrah – 711310 (Case No. VIII-34/2012).

BEFORE THE SECOND INDUSTRIAL TRIBUNAL: WEST BENGAL

PRESENT: SHRI SRIBASH CHANDRA DAS, JUDGE,

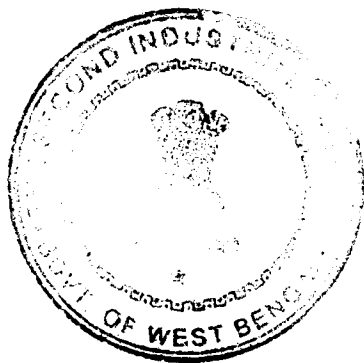
SECOND INDUSTRIAL TRIBUNAL, KOLKATA

Date of passing award – 28.12.2018

A W A R D

The case record is put up for passing necessary order in view of order No. 60 dt. 21.12.2018. This case arose by order of reference vide No. 560-IR/IR/7L-01/13 dt. 28.05.2013 by order of Governor signed by Deputy Secretary to the Government of West Bengal, Labour Department, I.R. Branch, Writers' Buildings, Kolkata – 1 mentioning that an industrial dispute exists between M/s. Bowreah Jute Mills Pvt. Ltd., Howrah, P.O. Fort Gloster, Dist. Howrah, PIN-711310 against union No. 1) Bowreah Jute Mills Pvt. Ltd. Workers' Union, Address: Bowreah Jute Mills Pvt. Ltd., Howrah, P.O. Fort Gloster, Dist. Howrah, PIN-711310 and also against five other unions namely 2) Bengal Chalkal Majdoor Union, 3) National Union of Jute Workers, 4) Bengal Chalkar Majdoor Forum, 5) Paschim Bango Chatkal Majdoor Federation & 6) National Federation of Jute Workers' as per corrigendum vide No. 618-IR/IR/7L-01/13 dt. 19.05.2014 as per order of Governor, signed by Assistant Secretary to the Government of West Bengal, Labour Department, I.R. Branch, East India House, 20B, Abdul Hamid Street, 2nd Floor, Kolkata-69, address of unions from serial No. 2 to serial No. 6 being P.O.- Gloster, Dist. Howrah – 711310, and it became expedient that the said dispute should be referred to an Industrial Tribunal constituted U/s. 7A of the Industrial Disputes Act, 1947 and accordingly in exercise of power conferred by Section 10 read with Section 2A of the Industrial Disputes Act, 1947 the Governor was pleased to refer this dispute to this Tribunal stated to be constituted under Notification No. 803-IR/IR/3A-257 dt. 11.03.1957 for adjudication requiring this Tribunal to submit the award of this Tribunal to State Government within the time i.e. 3 months from the receipt of the order of reference by this Tribunal in terms of Sub-Section (2A) of Section 10 of

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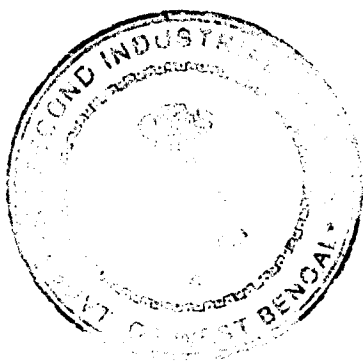


the Industrial Disputes Act, 1947 subject to other provisions of this Act, and the issues that have been framed in the order of reference are:

- 1) Bonus,
- 2) What relief, if any, the workers entitled to.

The case record shows that after receiving the order of reference as mentioned above summons were issued to both parties requiring them to appear and to file written statement and also supporting documents. Case record shows that after receiving the summon the company entered into appearance engaging lawyer and subsequently the unions as per order of reference and also as per corrigendum thereto entered into appearance and thereafter order was passed requiring the unions to file written statement. From the case record and also from the order No. 60 dt. 21.12.2018 it is found that on that day on behalf of company Ld. Lawyer appeared but the unions remained absent without any step. It is further found that despite repeated directions starting from 21.07.2015 the unions did not file written statements and it is also found that on 21.12.2018 special chance was given to the unions to file written statement but the unions did not file the same and the unions also have become long absent starting from 21.07.2015 without any step. The case record further shows that as the unions remained absent for long without any step, by order No. 54 dt. 06.01.2018, they were directed to file written show cause mentioning as to why necessary order would not be passed in this case due to their long absence without any step and also for non-compliance of the order directing them to file written statements and it is found that all the unions were sent the order of show cause separately by registered post and from the A.D. Cards that has been given to this office by the postman, it is found that all the unions have received the show cause notice but they have remained silent and did not turn up. On request Ld. Lawyer for the unions appeared once and stated that Ld. lawyer does not have any instruction from the unions who are also absent on today without any step. The company is also absent without any step but earlier, it was the submission of Ld. Lawyer for the company that the unions have become long absent despite direction to show cause and they are not in a position to proceed with this case.

I have already mentioned the position of case record and it is to say that the unions have become absent without any step from before 21.07.2015 and none also appeared on behalf of the any of the unions on calls on every date, and all these go to show that the industrial dispute under reference is no longer in existence and it has become useless to keep the case pending in such a way.



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It is, therefore,

ORDERED

that the industrial dispute as per order of reference vide No. 560-IR/IR/7L-01/13 dt. 28.05.2013 along with corrigendum thereto vide No. 618-IR/IR/7L-01/13 dt. 19.05.2014 is no longer in existence and the same is dismissed under Rule 22 of the West Bengal Industrial Disputes Rules, 1958 and this is to be treated an award by this Tribunal. Necessary number of copies of this award be prepared and send to the appropriate government i.e. Principal Secretary to the Government of West Bengal, Labour Department, New Secretariat Buildings, 12th floor, 1, K.S. Roy Road, Kolkata – 700001.

Dictated & corrected by me.

sd/-
Judge

sd/-
Judge
2nd Industrial Tribunal
28.12.2018

