

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

No. Labr/. 76.../(LC-IR)

Date ....25.....91..-19

ORDER

WHEREAS an industrial dispute existed between M/S: Kamarhatty Co. Ltd. Kamarhatty, Kolkata-58 and their workman Mokhtarul Zama, 8/2, New Line, Kamarhati, Kolkata-58 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 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 on the said 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/. 76.../1(2) (LC-IR)

Dated ....25.....91..-19

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 2277-LT dated 26/11/2018.
2. The Joint Labour Commissioner (Statics), W.B., 6, Church Lane, Kolkata-700001.



Deputy Secretary

No. *Labr/76/2(5)* (LC-IR)

Dated ....25.11.19

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

1. M/S: Kamarhatty Co. Ltd. Kamarhatty, Kolkata-58 .
2. Mokhtarul Zama, 8/2, New Line, Kamarhati, Kolkata-58 .
3. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
4. The Labour Commissioner, W.B., New Secretariat Building (11<sup>th</sup> Floor), 1, Kiran Sankar Roy Road, Kolkata – 700001.
- ✓ 5. The O.S.D., IT Cell, Labour Department, with the request to cast the Award in the Department's website.



Deputy Secretary

In the Seventh Industrial Tribunal, West Bengal  
New Secretariat Buildings, Kolkata

Present : Sri Avani Pal Singh,  
Judge, Seventh Industrial Tribunal, West Bengal.

**Case No.30/2A(2)/2012**

**Mokhtarul Zama,**  
8/2, New Line, Kamarhati,  
Kolkata - 58.

**...Applicant**

*versus*

**M/s. Kamarhatty Co. Ltd.,**  
Kamarhatty, Kolkata-58.

**...OP/Company**

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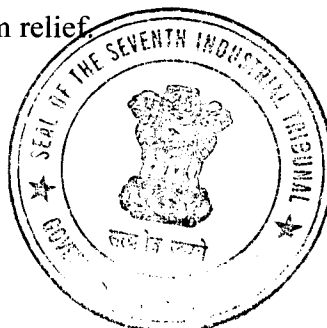
**A W A R D**

**Dated : 31-10-2018**

None appears on behalf of either of the parties on repeated calls. Today is fixed for steps by the applicant, as final opportunity, failing which for proceeding under Rule 22 of the West Bengal Industrial Dispute Rules, 1958. The applicant/PW-1, Mokhtarul Zama is also absent.

On the previous occasion, noting the continuous absence of the applicant / PW-1 on several consecutive dates without any intimation or showing prior cause, this Tribunal had held that such conduct of the applicant appeared to indicate the abandonment of the industrial dispute and the instant case, however for the ends of justice one final opportunity was granted to the applicant/PW-1 to remain present and take steps today.

Examined the records. It appears that the instant case was registered on **25.07.2012** upon an application under Section 2A(2) of the Industrial Disputes Act, 1947 being filed by the applicant whereafter, upon receipt of the notice of the proceedings together with copy of the application, the OP/Company duly appeared and thereafter, they filed their written statement on 02.11.2012 rebutting the claims of the applicant. Further, on the 'lists of documents', relied upon by the parties having been filed, and copies thereof having been exchanged amongst the parties, this Tribunal framed the **Issues** on 02.01.2013, on which date the Tribunal also noted that **an application for interim-relief filed by the applicant had not been disposed** of and directed the applicant to file his evidence if he so wished to, in support of his prayer for interim relief.



Contd....P/2.

Records further reveal that on **11.07.2017**, when the matter was fixed for hearing argument(s) of the applicant, after evidence had been closed in respect of the interim-relief application, the applicant made a prayer before the Tribunal that he wanted to **withdraw his interim-relief petition** dated 25.07.2012 and his such prayer was allowed and an endorsement to that effect was permitted to be made on the interim relief petition. Records also reveal that on the next date 29.08.2017, the matter was adjourned on the prayer of the applicant with the direction upon him to lead evidence in respect of his case on merits, by filing his affidavit-in-chief on 27.10.2017. Records further reveal that the applicant did not lead his evidence on 27.10.2017 and **has not led his evidence till date**, despite the matter being fixed **for 8 (eight) dates thereafter**, for one reason or the other. Accordingly, vide Order dated 12.09.2018, this Tribunal granted one final opportunity to the applicant to take steps in the matter today, failing which the matter would proceed under Rule 22 as aforesaid.

In the aforesaid backdrop, and in the light of the absence of the parties today as well as the absence of the applicant on several dates without intimation or showing sufficient cause, this Tribunal holds that the alleged 'industrial dispute' between the parties no longer exists and this is a fit case for passing a '**No Dispute Award**'.

Hence, and in terms of Rule 22 of the West Bengal Industrial Disputes Rules, 1958 as amended till date, this Tribunal holds that the instant dispute being Case No. 30/2A(2)/2012 **is no longer in existence, between the parties.**

The aforesaid constitutes the **No-Dispute Award** passed in the instant Case No. **30/2A(2)/2012**, which shall stand disposed of.

Dictated & corrected by me

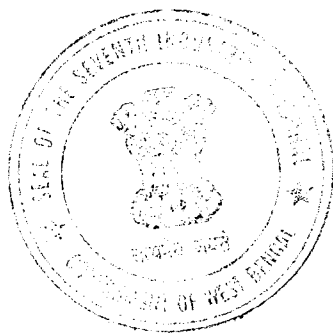
sd/-

Judge

sd/-

Judge,

Seventh Industrial Tribunal  
31/10/2018



sd/-