

I/36576/2019

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./77/(LC-IR)

Date : 25.01.2019

**ORDER**

WHEREAS an industrial dispute existed between M/s. Novartis India Limited, 4/1/1, Meher Ali Road, 3<sup>rd</sup> Floor, Park Circus, Kolkata-17 and Shri Shubhayu Nath, 100/4(B1-B50), Rabindra Sarani, Mirpara Housing, P.O. Liluah, Howrah-711204 regarding the issue, being a matter specified in the Second schedule to the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application directly under section 10(1B)(d) of the Industrial Dispute Act, 1947 (14 of 1947) to the Judge, Seventh Industrial Tribunal specified for this purpose under this Department's Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, the said Judge Seventh Industrial Tribunal has submitted to the State Government its Award under section 10(1B)(d) of the I.D. Act, 1947 (14 of 1947) 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./77/1(5)/(LC-IR)**

**Date : 25.01.2019**

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

1. **M/s. Novartis India Limited, 4/1/1, Meher Ali Road, 3<sup>rd</sup> Floor, Park Circus, Kolkata-17.**
2. **Shri Shubhayu Nath, 100/4(B1-B50), Rabindra Sarani, Mirpara Housing, P.O. Liluah, Howrah-711204.**
3. **The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.**
4. **The Labour Commissioner, W.B., N.S. Buildgs.(11<sup>th</sup> Floor),1, K.S. Roy Road, Kol-1.**
- ✓ 5. **The O.S.D. IT Cell, Labour Department, with the request to case the Award in the Department's Website.**



**Deputy Secretary to the  
Government of West Bengal**

**No. Labr./77/2(2)/(LC-IR)**

**Date : 25.01.2019**

Copy forwarded for information to :-

1. **The Judge, Seventh Industrial Tribunal West Bengal, with respect to his Memo No.2275-LT dated 26.11.2018.**
2. **The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.**



**Deputy Secretary to the  
Government of West Bengal**

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

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

**Case No.51/10(1B)(d)/2014**

**Shubhayu Nath**

100/4(B1-B50), Rabindra Sarani,  
Mirpara Housing, P.O. Liluah, Howrah-711204.

...Applicant

vs.

**Novartis India Limited,**

4/1/1, Meher Ali Road, 3<sup>rd</sup> Floor, Park Circus,  
Calcutta-700017.

...OP/Company

---

**A W A R D**

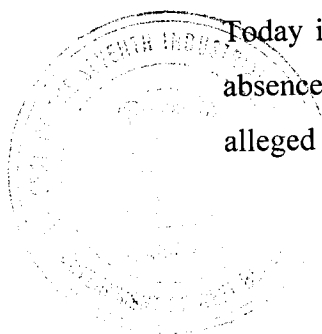
**Dated : 19.11.2018**

None appears on behalf of either of the parties on repeated calls. Today is fixed for further evidence and steps by the applicant, as final opportunity and, in default, for proceedings under Rule 22 of the West Bengal Industrial Dispute Rules, 1958.

Examined the records. The instant case came to be registered on 10.12.2014, when the applicant Sri Shubhayu Nath, filed an application purportedly under Section 10(1B)(d) of the Industrial Disputes Act, 1947 against his employer M/s. Novartis India Ltd., in connection with termination of his services by such employer, challenging the same as illegal and praying for an order of reinstatement with full back wages and consequential benefits. On notice being issued, together with a copy of the application, the OP/Company appeared through their Ld. Advocate on 22.01.2015 and thereafter filed their written statement on 29.04.2015, thereby denying and disputing the averments of the applicant in his such application. On the parties having exchanged copies of documents that they sought to rely on, the Tribunal framed the Issues between the parties on 14.10.2015, and the applicant was called upon to lead his evidence.

Records further reveal that on 29.10.2018 taking note of the non-appearance of the applicant on two (2) consecutive dates, the Tribunal granted one final opportunity to the applicant to take steps and lead further evidence by today, failing which the matter would proceed under Rule 22 of the West Bengal Industrial Dispute Rules, 1958.

Today is the second consecutive date that none of the parties have appeared and such absence of the parties without showing any cause or prior notice, indicates that the alleged industrial dispute between them may no longer be in existence and this would be



a fit case for proceeding under Rule 22 of the West Bengal Industrial Dispute Rules, 1958.

Accordingly, and for the reason that both parties without prior notice and/or showing sufficient cause have failed to appear before this Tribunal on consecutive dates and have further failed to act in compliance with the directions of this Tribunal on several dates, this Tribunal holds that materials on records reflect that the industrial dispute as alleged between the parties is no longer in existence and further holds that this is a fit case for passing of a No Dispute Award.

The aforesaid shall constitute the No Dispute Award passed in the instant case being No. **51/10(1B)(d)/2014**, which stands disposed of.

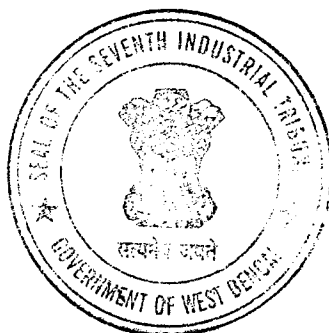
Copies of the Award be sent to the concerned authorities.

Dictated & corrected by me

Sd/-

Judge

**Judge**  
**Seventh Industrial Tribunal**  
**Kolkata, W.B.**



sd/-

Judge,  
Seventh Industrial Tribunal  
Kolkata  
19/11/2018