

3956/2019

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

No. Labr/ 678/(LC-IR)/IR/11L-15/18

Date: .18.7.19

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. Labr./171/(LC-IR) dated 12.03.17 the Industrial Dispute between M/s Maersk Line India (P) Ltd., 401- 402 A/B Jasmine Tower, 4th Floor, 31, Shakespeare Sarani, Kol - 17 and Smt. Aditi Bose, 43/1, A. Road, Anandapuri, Barrackpore, Kol - 122 regarding the issue mentioned in the said order, being a matter specified in the Second Schedule to the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Judge, Seventh Industrial Tribunal, West Bengal.

AND WHEREAS the Judge of the said Seventh 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 Dispute 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/

Deputy Secretary

to the Government of West Bengal

Date: .18.7.19

No. Labr/ 678/1(5)/(LC-IR)

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

1. M/s Maersk Line India (P) Ltd., 401- 402 A/B Jasmine Tower, 4th Floor, 31, Shakespeare Sarani, Kol - 17.
2. Smt. Aditi Bose, 43/1, A. Road, Anandapuri, Barrackpore, Kol - 122.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.

4. The O.S.D. & Labour Commissioner, W.B. New Secretariate Buildings, 1, K. S. Roy Road, 11th Floor, Kolkata- 700001.

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

RS 18.7.19
Deputy Secretary

Date: .18.7.19

No. Labr/ 678/2(2)/(LC-IR)

Copy forwarded for information to:

1. The Judge, Seventh Industrial Tribunal, West Bengal with reference to his Memo No. 839 - L.T. dated 28.06.2019.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Deputy Secretary

In the matter of an industrial dispute between M/s. Maersk Line India (P) Ltd., 401-402 A/B Jasmine Tower, 4th floor, 31, Shakespheard Sarani, Kol-17 and Smt. Aditi Bose, 43/1, A. Road, Anandapuri, Barrackpore, Kol-122, referred to this Tribunal Vide G.O. No.Labr./171/(LC-IR)/IR/11L-15/18 dated 12.03.2017 for adjudication.

(Case No.VIII-04/2018)

Before the Seventh Industrial Tribunal: West Bengal.
Present: Shri Ashis Kumar Das, Judge,
Seventh Industrial Tribunal, Kolkata
West Bengal.

A W A R D

Dated : 25-06-2019

An industrial dispute between M/s. Maersk Line India (P) Ltd., 401-402 A/B Jasmine Tower, 4th floor, 31, Shakespheard Sarani, Kol-17 and Smt. Aditi Bose, 43/1, A. Road, Anandapuri, Barrackpore, Kol-122, has been referred by the Labour Department, Govt. of West Bengal, by its Order No. Labr./171/(LC-IR)/IR/11L-15/18 dated 12.03.2017 to this Tribunal for adjudication on the following issues:

I S S U E (S) :

1. Whether the termination of service of Smt. Aditi Bose by M/s. Maersk Line India (P) Ltd. is justified ?
2. What relief, if any, the workmen are entitled to ?

Today is fixed for passing necessary order. None appears either on behalf of M/s. Maersk Line India (P) Ltd. or Smt. Aditi Bose. On scrutiny of the record, it appears that OP/Company appeared before this Tribunal on 20.04.2018 on receiving notice and thereafter OP/Company stopped taking steps on and from 09.08.2018. It further appears from the order dated 20.04.2018 that notice was also sent to the workman namely Smt. Aditi Bose, but the said notice returned unserved with the postal remark 'left'. Thereafter, again notice was issued upon the workman through process server and the process server submitted his report dated 23.04.2019 informing that the workman left her residence and her landlord could not say her present address and so the notice / summon could not be served, as it appears from the order dated 20.05.2019. So, question of issuance of fresh notice upon the workman does not arise at all for want of her present address.

Considering all aspects, I am of the view that both the OP/Company and the workman are not interested to proceed with the hearing of this case. In view of the position, I have no other alternative but to come to a conclusion that there is no dispute exists at present between the parties and so, the case is liable to be disposed of in view of Rule 22 of the West Bengal Industrial Dispute Rules, 1958.

Hence, it is,

Ordered

that the industrial dispute under reference No. **Labr./171/(LC-IR)/IR/11L-15/18 dated 12.03.2017** is no longer in existence and accordingly the case is closed and this order is to be treated as **No Dispute Award** between the parties.

This is my **Award**.

Dictated & corrected by me

sd/-

Judge

sd/-
Seventh Industrial Tribunal



sd/-
(Ashis Kumar Das)
Judge,
Seventh Industrial Tribunal,
Kolkata
25.06.2019

Judge
Seventh Industrial Tribunal