

**Government of West Bengal
Labour Department
I.R. Branch
N.S. Buildings, 12th Floor
1, K.S. Roy Road, Kol – 1.**

**No. Labr/165/(LC-IR)/
IR/11L-07/18**

Dated, Kolkata, 12.03.18.

ORDER

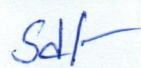
WHEREAS under the Government of West Bengal, Labour Department Order No. 1670-IR dated 23.12.05 the Industrial Dispute between M/s Dabur India Ltd., 9, N.S.Bose Road, P.O.Narendrapur, Kol13 and their workmen represented by Calcutta Pharmaceuticals & Chemicals(Small scale & Distributing) Employees Union(Regn.No.18335), 55, Surya Sen Street, Kol-9 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, Eighth Industrial Tribunal, West Bengal;

AND WHEREAS, the Judge of the said 8th 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 Government is pleased hereby to publish the said Award as shown in the Annexure hereto.

ANNEXURE
(Attached herewith)

By Order of the Governor

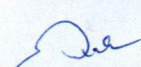

**Deputy Secretary to the
Government of West Bengal.**

No. Labr/165/1(5)/(LC-IR)

Dated, Kolkata, 12.03.18.

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

1. M/s Dabur India Ltd., 9, N.S.Bose Road, P.O.Narendrapur, Kol-700 013
2. The Secretary, Calcutta Pharmaceuticals & Chemicals(Small scale & Distributing) Employees Union(Regn.No.18335), 55, Surya Sen Street, Kol-700 009
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 OSD, IT Cell, Labour Department, with the request to cast the Award in the Department's website.


Deputy Secretary

No. Labr/165/2(2)/(LC-IR)

Dated, Kolkata, 12.03.18.

Copy forwarded for information to :-

1. The Judge, 8th Industrial Tribunal, West Bengal with reference to his Memo No.186-L.T., dated 01.02.2018.
2. The Joint Labour Commissioner(Statistics), West Bengal, 6, Church Lane, Kolkata-700 001.

Deputy Secretary

In the matter of an Industrial Dispute between M/s. Dabur India Ltd., 9, N.S. Bose Road, P.O. Narendrapur, Kolkata – 700013 and their workmen represented by Calcutta Pharmaceuticals & Chemicals (Small Scale & Distributing) Employees' Union (Regd. No. 18335), 55, Surya Sen Street, Kolkata – 700009 referred to this Tribunal vide G.O. No. 1670-I.R./IR/11L-30/98, dated 23.12.2005.

(Case No. VIII-152/2005)

BEFORE THE EIGHTH INDUSTRIAL TRIBUNAL: WEST BENGAL

P R E S E N T

SRI MADHU SUDAN DUTTA, JUDGE

EIGHTH INDUSTRIAL TRIBUNAL, KOLKATA.

A W A R D

This industrial dispute between M/s. Dabur India Ltd., 9, N.S. Bose Road, P.O. Narendrapur, Kolkata – 700013 and their workmen represented by Calcutta Pharmaceuticals & Chemicals (Small Scale & Distributing) Employees' Union (Regd. No. 18335), 55, Surya Sen Street, Kolkata – 700009 referred to this Tribunal has been referred by the Govt. of West Bengal, Labour Department vide G.O. No. 1670-I.R./IR/11L-30/98, dated 23.12.2005, to this Tribunal for adjudication of the following issues:-

I S S U E S(S)

1. Whether the order of transfer dated 26.08.2004 of Shri Tapas Kumar Dhar issued by the management of M/s. Dabur India Ltd., from their Narendrapur unit to new plant at Jammu is justified?
2. What relief, if any, is the workman entitled to?

Record reveals that on 13.12.2017 Ld. Lawyer for the O.P. company filed a petition along with the copy of the Judgment passed by the Hon'ble High Court, Calcutta in Writ Petition No. 4995 (W) of 2006.

I have most respectfully gone through the order of the Hon'ble High Court passed in the said writ petition and find that after discussing all the context the Hon'ble Court finds that the cause of action of the instant adjudication really arose at Jammu unit outside the State of West Bengal as the situs of employment is in Jammu, the State of West Bengal is not the appropriate Government within the meaning of Section 2(a)(ii) of the Industrial Disputes Act, 1947 and the following order has been passed by the Hon'ble Court:-

"In the context of the above discussion, the question is answered accordingly and I find merit in the writ petition and the same is allowed."



Ergo, the reference made vide Annexure – P/8 is hereby quashed.

I make no order as to costs."

On May 4, 2016 the order has been passed by the Hon'ble High Court, Calcutta in Writ Petition No. no. 4995 (W) of 2006. No submission or document is forthcoming that being aggrieved and dissatisfied with the order of the Hon'ble High Court passed in the said Writ Petition any appeal has been preferred.

Thus in view of the order of the Hon'ble High Court, Calcutta I am inclined to pass the following order.

Ordered

that the Case No. VIII-152/2005 filed by Sri Tapas Kumar Dhar against the O.P. Company M/s. Dabur India Ltd. is dismissed in view of the order of the Hon'ble High Court, passed in Writ Petition No. 4995 (W) of 2006.

This is my AWARD.

Let six (6) copies of this Award be sent to the Principal Secretary, Government of West Bengal, Labour Department, New Secretariat Buildings, Kolkata – 700001 for information and necessary action.

Dictated & corrected by me.



Judge.



(Madhu Sudan Dutta)
Judge
Eighth Industrial Tribunal
Kolkata
25 January 2018