

/515777/2024

(2)

No Labr/⁴⁷⁹...../1(2)/(LC-IR)/22015(16)/22/2022Date: ¹⁷⁻⁰⁵.....2024

Copy forwarded for information to:

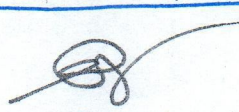
1. The Judge, Seventh Industrial Tribunal, N.S. Building, 3rd Floor, 1, K.S. Roy Road, Kolkata - 700001 with reference to his Memo No. Dte/7th I.T./075/2024 dated 09/05/2024.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

^{Sd/-}
Deputy Secretary
to the Government of West Bengal

No. Labr/⁴⁷⁹...../2(6) - IRDated ¹⁷⁻⁰⁵.....2024

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

1. M/s. K.N.D. Engineering Technologies Limited., Registered Office: 7A, Hospital Street, 2nd Floor, Kolkata - 700072.
2. Mr. P. N. Dadina, Director of the Company, M/s. K.N.D. Engineering Technology Ltd., 10, Raja Subodh Mullick Street, 5th Floor, Kolkata - 700013.
3. Sri Amar Kumar Mondal, 214, Malancha Road, Vidyasagar Pally, P.O. Garifa, Dist.24 Pgs(N) - 743166.
4. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
5. The O.S.D. & E.O. Labour Commissioner, W.B., New Secretariat Building (11th Floor), 1, Kiran Sankar Roy Road, Kolkata - 700001.
- ✓ 6. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.


Deputy Secretary
to the Government of West Bengal

Ripankar Sen / Sandeep Satter
20/05/2024

/515777/2024

Government of West Bengal
Labour Department
I.R. Branch
N.S. Building, 12th Floor
1, K.S. Roy Road, Kolkata - 700001
Computer No: 550425

No. Labr/479/(LC-IR)/22015(16)/22/2022

Date: 17-05-2024

ORDER

WHEREAS an industrial dispute existed between (1) M/s. K.N.D. Engineering Technologies Limited, Registered Office: 7A, Hospital Street, 2nd Floor, Kolkata - 700072 (2) Mr. P. N. Dadina, Director of the Company, M/s. K.N.D. Engineering Technology Ltd., 10, Raja Subodh Mullick Street, 5th Floor, Kolkata - 700013 and workman Sri Amar Kumar Mondal, 214, Malancha Road, Vidyasagar Pally, P.O. Garifa, Dist.24 Pgs(N) - 743166 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 Seventh Industrial Tribunal has submitted to the State Government its Award dated 25/04/2024 in Case No. 34 of 2018 u/s 2A (2) on the said Dispute vide memo no. Dte/7th I.T./075/2024 dated 09/05/2024.

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,

Sdt

Deputy Secretary
to the Government of West Bengal

Before The Seventh Industrial Tribunal, West Bengal

Present: Ms. Yogita Gaurisaria, Judge, Seventh Industrial Tribunal.

Case No. 34/2A(2) of 2018

Amar Kumar Mondal, 214, Malancha Road, Vidyasagar Pally, P.O. Garifa,
Dist. 24 Pgs (N) – 743 166, W.B.Applicant

-VS-

1) M/s. K.N.D. Engineering Technologies Limited

Registered Office : 7A, Hospital Street, 2nd Floor, Kolkata – 700 072

2) Mr. P.N. Dadina, Director of the Company, M/S. K.N.D. Engineering
Technologies Limited, 10, Raja Subodh Mullick Street, 5th Floor, Kolkata –
700 013. Opposite Parties

A W A R D

Dated 25.04.2024

Both the parties are absent without steps.

Today is fixed for passing no dispute award.

Case record is taken up for passing no dispute award.

This case has been filed by the applicant/workman Amar Kumar Mondal u/s 2A(2) of the Industrial Disputes Act, 1947 against his employer M/S. K.N.D. Engineering Technologies Limited in connection with termination of his service by way of refusal of employment illegally with a prayer to reinstate him in service with full back wages and other consequential benefits.

Sd/-
Judge
Seventh Industrial Tribunal
25.04.2024

Contd.....P/2



(2)

Perused the case record wherefrom it appears that as the applicant was not appearing before this Tribunal since 05.04.2022, considering the conduct of the applicant, on the said date order was passed to issue notice upon the applicant asking him to appear personally before this Tribunal on 17.05.2022 and filing petition for confirmation of settlement.

Thereafter, due to non appearance of the applicant order was passed on 14.06.2023 asking him to appear before this Tribunal and file show cause as to why no dispute award shall not be passed in the instant case. On 01.04.2024 envelope containing notice sent to the applicant was received back with the postal remark 'no such person in this address'. On perusal of the order sheet and the materials on record it appeared that a petition dated 30.03.2021 along with annexures was filed by the O.P. submitting that the instant case has already been settled between the parties and the Ld. Advocate who used to appear for the applicant also admitted the contention of the Ld. Advocate for O.P. submitting that the instant dispute has been settled between the parties and the applicant has already received all the dues as per their settlement. As such, the applicant did not bother to appear before this Tribunal personally or file show cause and accordingly, this Tribunal holds that the applicant is not willing to proceed with his present case.

In view of the aforesaid observation as well as conduct of the applicant, this Tribunal holds that no industrial disputes exist in between the parties. So, I am inclined to pass a 'No Dispute' Award on the footings that Industrial Disputes under Rule 22 under West Bengal Industrial Dispute Rules, 1958 is no longer in existence.

Contd.....P/3

Sd/-
Judge
Seventh Industrial Tribunal
25.04.2024

(3)

Hence, it is

Ordered

that the case being No. 34 of 2018 u/S 2A(2) of the Industrial Disputes Act, 1947 be and the same is dismissed for non existence of any Industrial Dispute. This is to be treated as ' No Dispute Award '.

This is my award.

Dictated & corrected by me.

Sd/-
Judge

Judge
Seventh Industrial Tribunal

Sd/-
(Yogita Gaurisaria)
Judge, 7th Industrial Tribunal
Kolkata
25.04.2024

Judge
Seventh Industrial Tribunal

