

I/162674/2021

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./ 2158 / (LC-IR)/22015(16)/32/2021 Date : 03.12.2021

**ORDER**

WHEREAS an industrial dispute existed between M/s The Himalaya Drug Company, 15, Elgin Road, Kolkata - 700020 and its workman Sri Buddhadeb Gayen, S/o Sri Sukumar Gayen, Vill. & P.O. Hanschara, P.S. Chandipur, Dist. Purba Medinipur, Pin - 721625 regarding the issues being a matter specified in the second schedule of the Industrial Dispute act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute act, 1947 (14 of 1947) to the Seventh Industrial Tribunal Specified for this purpose under this Department Notification No. 101-IR dated 2.2.12;

AND WHEREAS the said Seventh Industrial Tribunal has submitted to the State Government its Award dated 27.09.2021 on the said Dispute vide Memo No. 1168 - L.T. dated 29.09.2021.

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,

Joint Secretary

to the Government of West Bengal

Date : 03.12.2021

No. Labr/2158 / (1(2) - IR

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 1168 - L.T. dated 29.09.2021.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

No. Labr/2158 / (2(6) - IR

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

1. M/s The Himalaya Drug Company, 15, Elgin Road, Kolkata - 700020.
2. Sri Buddhadeb Gayen, S/o Sri Sukumar Gayen, Vill. & P.O. Hanschara, P.S. Chandipur, Dist. Purba Medinipur, Pin - 721625.
3. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B., New Secretariat Building (11<sup>th</sup> Floor), 1, Kiran Sankar Roy Road, Kolkata - 700001.
- ✓ 5. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.

Joint Secretary

Ananda  
(IT Cell)  
GR

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

Present: Shri Ashis Kumar Das, Judge,  
Seventh Industrial Tribunal, Kolkata.

**CASE NO. 09 of 2021**

**Under Section 2A (2) of the Industrial Disputes Act, 1947, as amended.**

**Sri Buddhadeb Gayen**

...Applicant

S/o Sri Sukumar Gayen  
Village & Post Office – Hanschara,  
Police Station – Chandipur, Dist. Purba  
Medinipur, Pin Code-721 625.

*-Versus-*

**M/s. The Himalaya Drug Company**

...OP/Company

Corporate Office : Makali, Bengaluru,  
Pin – 562 162  
State Office : 15, Elgin Road  
Kolkata – 700 020.

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**AWARD**

**Dated : 27-09-2021**

Applicant Buddhadeb Gayen is present with his Ld. Advocate.

On the submission of Ld. Advocate for the applicant, the verified petition for withdrawal of the instant case dt. 21.09.2021, so filed by the applicant, is taken up for hearing.

Heard Ld. Advocate for the applicant as well as applicant Buddhadeb Gayen in person, who submits that due to change of the address of the O.P./Company from Kolkata to Howrah, the territorial jurisdiction of the instant case falls under the jurisdiction of 2<sup>nd</sup> Industrial Tribunal, Kolkata and so, the instant case is required to be withdrawn and filed before the 2<sup>nd</sup> Industrial Tribunal, Kolkata and so, he prays for permission to withdraw the instant case against the O.P./Company. He further submits that he has voluntarily filed the present withdrawal petition and also voluntarily puts his signatures thereon.

Perused the present petition for withdrawal along with case record. This is a case U/S 2A(2) of Industrial Disputes Act, 1947, filed by the applicant Buddhadeb Gayen against O.P./M/s. The Himalaya Drug Company. Now, applicant prays for permission to withdraw the instant case on the ground that the instant matter falls under the jurisdiction of 2<sup>nd</sup> Industrial Tribunal, Kolkata as the office at Kolkata of the O.P./Company has been shifted to Howrah. Considered. I think that the prayer of the applicant for withdrawal the instant case should be allowed since the matter falls under the jurisdiction of 2<sup>nd</sup> Industrial Tribunal, Kolkata.



Contd..... P/2



(2)

Hence, it is,

ORDERED

that the petition for withdrawal dated 21.09.2021 is allowed without costs.

Applicant namely, Sri Buddhadeb Gayen is permitted to withdraw the instant Case No. 09 of 2021 under Section 2A(2) of the Industrial Disputes Act, 1947, as amended, with a liberty to file before the appropriate forum afresh.

The instant proceedings stands disposed of as withdrawn.

**This is my Award.**

Let six 6 (six) copies of the Award be sent to the Appropriate Authority for information and taking necessary action.

Dictated & corrected by me

Sd/-  
Judge

Judge  
Seventh Industrial Tribunal



Sd/-  
(Ashis Kumar Das)  
Judge,  
Seventh Industrial Tribunal,  
Kolkata  
27/09/2021  
Judge  
Seventh Industrial Tribunal