

I/214262/2022

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Amanda
24-8-22

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

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

Date: 22/08/2022

ORDER

WHEREAS an industrial dispute existed between M/s. G. S. Staffing Solution Pvt. Ltd DA-94, Ground Floor, Sector – 1, Salt Lake, Kolkata - 700064 and their workman Sri Sumai Debnath, 526, Hochimin Nagar, Barrackpore, District – 24 Parganas (North) 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 c Section 2A of the Industrial Dispute act, 1947 (14 of 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 said Judge, Seventh Industrial Tribunal has submitted to the State Government its Award dated 29/07/2022 on the said Dispute vide memo no. 1259 - L. T dated 10/08/2022.

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,

Sd/-

Joint Secretary
to the Government of West Bengal

I/214262/2022

(2)

No. Labr/791...../1(2) – IR Date : 22/08/2022

Copy forwarded for information to:

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 1259 - L. T. dated 10/08/2022.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

Sd/-
Joint Secretary

No. Labr/791...../2(5) – IR Date : 22/08/2022

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

1. M/s. G. S. Staffing Solution Pvt. Ltd., DA-94, Ground Floor, Sector - 1, Salt Lake, Kolkata - 700064.
2. Sri Suman Debnath, 526, Hochimin Nagar, Barrackpore, District - 24 Parganas (North).
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 (11th Floor), 1, Kiran Sankar Roy Road, Kolkata - 700001.
- ✓ 5. The Sr. Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.


Joint Secretary

Before The Seventh Industrial Tribunal, Kolkata, West Bengal

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

Case No.35/2A(2) of 2019

Suman Debnath, 526, Hochimin Nagar, Barrackpore, District-24 Parganas (North).

.....Applicant

-VS-

M/s. G.S. Staffing Solution Pvt. Ltd., DA-94, Ground Floor, Sector-I, Salt Lake, Kolkata – 700 064

.....Opposite Party

A W A R D

Dated 29.07.2022

Applicant Suman Debnath is absent without steps.

O.P. /Company is present through its Ld. Advocate.

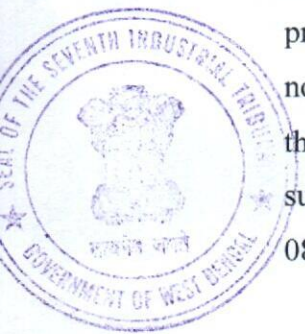
Today is fixed for passing no dispute order .

Case record is taken up for passing order.

This case has been filed by the applicant/workman **Suman Debnath** U/s 2A(2) of the Industrial Disputes Act, 1947 against his employer M/s. G.S. Staffing Solution Pvt. Ltd in connection with his termination of service by way of refusal of employment with effect from 01.09.2018 illegally with a prayer to reinstate him in service with full back wages and other consequential benefits.

Perused the case record wherefrom it is seen that on 09.03.2021 this case was fixed for hearing of petition dt. 13.12.2019, so filed on behalf of O.P./Company. On that day, O.P./Company was present, but applicant/workman was found absent on repeated calls and so, this Tribunal issued notice upon the applicant directing him to submit show cause on 20.04.2021 as to why the instant case shall not be disposed of for non-prosecution. It appears from the record that in view order dt. 09.03.2021 show cause notice under registered post with A/D was sent to the applicant. It further appears from the record that till 08.06.2022 no S/R of notice (A/D card) was received and since sufficient time had already been lapsed, this Tribunal presumed vide its order dt. 08.06.2022 that show cause notice had duly been served upon the applicant and fixed

Contd..... P/2



(2)

19.07.2022 for passing No Dispute Award. On 19.07.2022 this Tribunal was on leave fixing today for passing 'No Dispute' Award. The applicant did not think it necessary to appear before this Tribunal till today and also did not think it necessary to file show cause in view of order no. 13 dt. 09.03.2021. Therefore, it is clear that the applicant is not willing to proceed with his present case further.

In view of the aforesaid 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.

Hence, it is

Ordered

That the case being No. 35 of 2019 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

Sd/-
(Ashis Kumar Das)
Judge
7th Industrial Tribunal
Kolkata
29.07.2022