

I/214263/2022

File No. LABR-22015(16)/37/2022-IR SEC-Dept. Of LABOUR

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)/22015(16)/37/2022

Date: 22/08/2022

ORDER

WHEREAS an industrial dispute existed between Shri Anwar Ali, 4, Tiretti Bazar, Kolkata - 700 073 and his employer M/s Reliance Tobacco Company, 163, Acharya Prafulla Chandra Road, Kolkata - 700 004 regarding the issues, being a matter specified in the second schedule to the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application under section 10(1B)(d) of the Industrial Dispute Act, 1947 (14 of 1947) to the Seventh Industrial Tribunal, Kolkata specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997;

AND WHEREAS the said Seventh Industrial Tribunal, Kolkata has submitted to the State Government its Award dated 26.07.2022 under section 10(1B)(d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide Memo No. 1256 - L.T. dated 10.08.2022;

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/-

Joint Secretary

to the Government of West Bengal

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

Date: 22/08/2022

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

1. M/s Reliance Tobacco Company, 163, Acharya Prafulla Chandra Road, Kolkata - 700004.
2. Shri Anwar Ali, 4, Tiretti Bazar, Kolkata - 700 073.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The OSD & EO 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

No. Labr/. /2(3)/(LC-IR)

Date : 2022

Copy forwarded for information to :-

1. The Judge, Seventh Industrial Tribunal, Kolkata, with respect to his Memo No. 1256 - L.T. dated 10.08.2022.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.
3. Office Copy.

Joint Secretary

Before The Seventh Industrial Tribunal, Kolkata, West Bengal

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

Case No.42/10(1B)(d) of 2014

Anwar Ali, 4, Tiretti Bazar, Kolkata – 700 073

.....Applicant

-VS-

M/s. Reliance Tobacco Company, 163, Acharya Prafulla

Chandra Road, Kolkata – 700 004.

.....Opposite Party

A W A R D

Dated 26.07.2022

Applicant Anwar Ali is absent without steps.

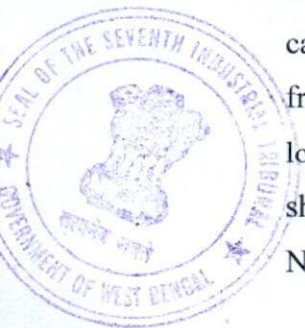
O.P./Company is present through its Ld. Advocate.

Today is fixed for passing no dispute award in view of order no. 46 dt.

03.02.2020.

This case has been filed by the applicant/workman Anwar Ali U/s 10(1B)(d) of the Industrial Disputes Act, 1947 against his employer M/s. Reliance Tobacco Company in connection with termination of his service with effect from 30.09.2013 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 03.02.2020 this case was fixed for further cross-examination of P.,W.1 namely Saheen Parveen, who was absent on that day. Applicant was also absent on that day. Ld. Representative for the applicant submitted that the applicant was not making any contact with him and he prayed for an order directing the applicant show cause as to why the present case shall not be dismissed for default. Considering such submission, this Tribunal issued notice upon the applicant directing him to submit show cause on 19.03.2020 as to why the instant case shall not be dismissed for default. It appears from the record that in view of order dt. 03.02.2020 show cause notice under registered post with A/D was sent to the applicant. It further appears from the record that till 21.06.2022 no S/R of notice (A/D card) was received and since long time had already been lapsed, this Tribunal presumed vide order dt. 21.06.2022 that show cause notice had duly been served upon the applicant and fixed today for passing No Dispute Award. The applicant did not think it necessary to appear before this Tribunal



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(2)

till today and also did not think it necessary to file show cause in view of order no. 46 dt. 03.02.2020. 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. 42 of 2014 U/s 10(1B)(d) 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/-

Judge

(Ashis Kumar Das)
7th Industrial Tribunal
Kolkata
26.07.2022



Judge
Seventh Industrial Tribunal