

I/199571/2022

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

No. Labr./ 590 . / (LC-IR)/22015(16)/22/2022
... 2022

Date : 14/06/2022

ORDER

WHEREAS an industrial dispute existed between M/s. K.N.D Engineering Technologies Limited, 7A, Hospital Street, 2nd Floor, Kolkata - 700072 and their workman Sri Alok Guin, C/o Ashim Kumar Chatterjee, 91A, Alipore Road, Kolkata - 700027 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 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 25/05/2022 on the said Dispute vide memo no. 783 - L. T. dated 31/05/2022.

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

(2)

No. Labr /590...../1(2) – IR

Date : 14/06/2022

Copy forwarded for information to:

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 783 - L. T. dated 31/05/2022.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

Sd/-

Joint Secretary

No. Labr /590...../2(5) – IR

Date : 14/06/2022

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

1. M/s. K.N.D Engineering Technologies Limited, 7A, Hospital Street, 2nd Floor, Kolkata – 700072.
2. Sri Alok Guin, C/o Ashim Kumar Chatterjee, 91A, Alipore Road, Kolkata - 700027.
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 Deputy, IT Cell, Labour Department, with the request to cast the Award in the Department's website.



Joint Secretary

Before The Seventh Industrial Tribunal, West Bengal

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

Case No.30/2A(2) of 2018

Sri Alok Guin, C/o Asim Kumar Chatterjee, 91A, Alipore Road, Kolkata – 700 027.

.....Applicant

-VS-

1. M/S. K.N.D. Engineering Technologies Limited, 7A, Hospital Street, 2nd Floor, Kolkata – 700 072,
2. Mr. P.N. Dadina, Director of the Company, 10, Raja Subodh Mullick Street, 5th Floor, Kolkata – 700 013.

.....Opposite Parties

A W A R D

Dated 25.05.2022

Applicant Sri Alok Guin is absent without steps.

Opposite Parties are also absent without steps.

.Today is fixed for passing No Dispute Award in view of order no. 21 dt. 28.10.2021.

Case record is taken up for passing necessary order.

This case has been filed by the applicant/workman Sri Alok Guin U/s 2A(2)) of the Industrial Disputes Act, 1947 against Opposites Parties viz. 1. M/S. K.N.D. Engineering Technologies Limited and 2. Mr. P.N. Dadina in connection with termination of his service with effect from March, 2017 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 28.10.2021 this case was fixed for ex parte hearing, but applicant was found absent on that day on repeated calls. Considering such conduct of the applicant, this Tribunal issued notice under registered post with A/D directing the applicant to show cause as to

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(2)

why no dispute award shall not be passed, but no S/R of notice was received till 22.04.2022. Since long period had been lapsed, this Tribunal presumed that show cause notice had duly been served upon the applicant (vide order no. 25 dt. 22.04.2022). Applicant did not think it necessary to appear before this Tribunal or to file show cause petition till 22.04.2022. So, this Tribunal was not inclined to issue fresh show cause notice to the applicant unnecessarily. Even applicant did not think it necessary to appear before this Tribunal or to file show cause petition till today. Therefore, it can safely be said 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. 30 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


Seventh Industrial Tribunal

Sd/-

(Ashis Kumar Das)

Judge
7th Industrial Tribunal
Kolkata
25.05.2022


Seventh Industrial Tribunal

