

I/202828/2022

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

No. Labr./.../633/(LC-IR)/22015(16)/13/2022

Date : 27/06/2022

ORDER

WHEREAS an industrial dispute existed between M/s. Bagree Estates Pvt. Ltd., 2. Smt. Radha Bagree, Director of Bagree Estates Pvt. Ltd., 3. Sri Varun Raj Bagree, Director of Bagree Estates Pvt. Ltd., 4. The Executive Officer, Director of Bagree Estates Pvt. Ltd., all of 7, Lyons Range, 2nd Floor, Kolkata - 700001 and their workman Sri Shakti Singh S/o Late Hari Singh, Bagree Market, 71, Biplabi Rash Behari Basu Road, Kolkata - 700001 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 said Judge, Seventh Industrial Tribunal has submitted to the State Government its Award dated 09/06/2022 on the said Dispute vide memo no. 891 - L. T. dated 14/06/2022.

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,



Joint Secretary
to the Government of West Bengal

I/202828/2022

(2)

No. Labr633...../1(2) - IR Date : 27/06/ 2022

Copy forwarded for information to:

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 891 - L. T. dated 14/06/2022.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

Sd/-
Joint Secretary

No. Labr.....633...../2(5) - IR Date : 27/06/ 2022

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

1. M/s. Bagree Estates Pvt. Ltd., 7, Lyons Range, 2nd Floor, Kolkata - 700001.
2. Sri Shakti Singh S/o Late Hari Singh, Bagree Market, 71, Biplabi Rash Behari Basu Road, Kolkata - 700001.
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, Kolkata, West Bengal

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

Case No.02/2A(2) of 2018

Sri Shakti Singh Rai, son of Late Hari Singh Rai, Bagree Market, 71, Biplabi
Rash Behari Basu Road , Kolkata – 700 001.

.....Applicant

-VS-

1. Bagree Estates Pvt. Ltd., 2. Smt. Radha Bagree , Director of Bagree Estates Pvt.
Ltd., 3. Sri Varun Raj Bagree, Director of Bagree Estates Pvt. Ltd, 4. The
Executive Officer, Bagree Estates Pvt. Ltd., all of 7, Lyons Range, 2nd Floor,
Kolkata – 700 001.

.....Opposite Party

A W A R D

Dated 09.06.2022

Applicant Sri Shakti Singh Rai is absent without steps.

Today is fixed for passing no dispute award in view of order no. 27 dt.

08.10.2021.

This case has been filed by the applicant/workman Sri Shakti Singh Rai U/s
2A(2)) of the Industrial Disputes Act, 1947 against Opposites Parties viz. 1. Bagree
Estates Pvt. Ltd. , 2. Smt. Radha Bagree, Director, Bagree Estates Pvt. Ltd, 3. Varun Raj
Bagree, Director, Bagree Estates Pvt. Ltd, & 4. The Executive officer, Bagree Estates
Pvt. Ltd in connection with termination of his service through letter dt. 08.11.2017 by
the Executive Officer of the Bagree Estates Pvt. Ltd. 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 08.10.2021 this case was
fixed for ex parte hearing of argument of the instant case, but applicant was found
absent on that day on repeated calls. Considering such conduct of the applicant, this
Tribunal issued notice for twice under registered post with A/D directing the applicant to
show cause as to why no dispute award shall not be passed. S/R of notice sent for the
first time was returned unserved with postal remarks ' Insufficient Address '. Thereafter,
again show cause notice was sent as per order dt. 31.03.2022, which was also returned
unserved with postal remarks 'Left' dt. 08.04.2022. It appears from the record that the
applicant stopped taking steps on and from 08.12.2020 and also did not think it necessary
to appear before this Tribunal till 05.05.2022. Considering such conduct of applicant, this



(2)

Tribunal need not issue fresh show cause notice to the applicant in view of order no. 27 dt. 08.10.2021. 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

O r d e r e d

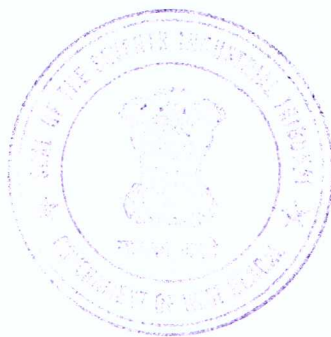
That the case being No. 2 of 2018 U/s 2A(2) of the Industrial Disputes Act, 1947 be and the same is dismissed for non existence of any Industrial Dispute. This is to be treated as 'No Dispute Award'.

This is my award.

Dictated & corrected by me.

Sd/-
Judge

Judge
Seventh Industrial Tribunal



Sd/-
(Ashis Kumar Das)
Judge
7th Industrial Tribunal
Kolkata
09.06.2022

Judge
Seventh Industrial Tribunal