

I/202816/2022

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

No. Labr/ 632/(LC-IR)/22015(16)/264/2018 Date: 27/05/2022.

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. Labr/1232-IR/I.R./2L-131/04 dated 28.09.2005/04.10.2005 the Industrial Dispute between M/s. Deshbandhu Mistanna Bhandar, 227 Mahatma Gandhi Road, Kolkata - 700007 and its workmen Calcutta Sweet Meat Workmen Mazdoor Union, 34/1, Jhamapukur Lane, Kolkata - 700009 regarding the issue mentioned in the said order, being a matter specified in the Second Schedule to the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Judge, First Industrial Tribunal, West Bengal.

AND WHEREAS the First Industrial Tribunal, West Bengal, has submitted to the State Government its award dated 27/05/2022 on the said Industrial Dispute vide memo no. 866 - L. T. dated. Nill.

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

I/202816/2022

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

Date: 27/03/2022.

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

1. M/s. Deshbandhu Mistanna Bhandar, 227 Mahatma Gandhi Road, Kolkata - 700007.
2. Calcutta Sweet Meat Workmen Mazdoor Union, 34/1, Jhamapukur Lane, Kolkata - 700009.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B. New Secretariate Buildings, 1, K. S. Roy Road, 11th Floor, Kolkata- 700001.
5. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.


Joint Secretary

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

Date:/2022.

Copy forwarded for information to:

1. The Judge, First Industrial Tribunal, West Bengal with reference to his Memo No. 866 - L. T. dated. Nill.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.

Joint Secretary

In the matter of an Industrial Disputes exists between M/s Deshbandhu Mistanna Bhandar, 227 Mahatma Gandhi Road, Kolkata – 700 007 and their Workmen represented by Calcutta Sweet Meat Workmen Mazdoor Union(Registered No. 23767) 34/1, Jhamapukur Lane, Kolkata – 700 009.

Case No. VIII – 99/2005 of the Industrial Dispute Act 1947

BEFORE THE FIRST INDUSTRIAL TRIBUNAL: WEST BENGAL

PRESENT

**SHRI UTTAM KUMAR NANDY, JUDGE
FIRST INDUSTRIAL TRIBUNAL, KOLKATA**

Date of Order: 27.05.2022

Case No.: VIII – 99/2005

The instant case has been initiated on receipt of a copy of government order of reference being No. 1232-I.R./IR/2L-131/04, dated 28.09.2005/04.10.2005 from the Labour Department, Government of West Bengal, referring an industrial dispute between M/s Deshbandhu Mistanna Bhandar, 227 Mahatma Gandhi Road, Kolkata – 700 007 and their Workmen represented by Calcutta Sweet Meat Workmen Mazdoor Union(Registered No. 23767) 34/1, Jhamapukur Lane, Kolkata – 700 009 for adjudication of the matter and submitting its award to the State Government fixing the issues namely:

- 1) Whether the demand of the Union for enhancement of wages, tiffin allowance, Pan-Bidi allowance, saving allowance and fixation of retirement age of the employees is justified?
- 2) What reliefs, if any, are the Workmen entitled to?

Against which the Company has filed Written Statement on their behalf. Thereafter, documents of the parties were exchanged. Evidences of both parties have been taken and the matter has been fixed for argument on 07.11.2017. Thereafter, the case was fixed for argument and argument was going in irregularly.

However, then on 10.03.2021, representative of Workmen submits that Company on record has gone on closure and, therefore, the Workmen like to settle the dispute out of the court with the management of the Company.



Since then, dates were fixed for filing settlement report, i/d argument. On numerous occasions, Workmen's Union remained absent without step.

Then on 01.11.2021, notice was served upon the Workmen Union but no result has been obtained.

Thereafter, fresh notice was again served on Union on 28.12.2021. Even then till 23.03.2022 none appeared on behalf of the Union and considering the submission of the Ld. Counsel for the Company to the effect that since the Company namely M/s Deshbandhu Mistanna Bhandar has been closed long ago and the Union of the Company is not coming for the reason best known to them, the matter may be ordered or awarded as the Tribunal thinks fit and proper.

Accordingly 31st March, 2022 has been fixed for Order / Award. In spite of that till date none appears on behalf of the Union under reference. Hence the record is taken up for Award.

Considering the above position and circumstances of the instant case, I am of view that the Union under reference is not willing to continue the case further and, therefore, this case should be disposed of considering the fact that there is no such dispute to be adjudicated.

Hence it is

ORDERED / AWARDED

that the instant case being No. VIII-99/2005 of the Industrial Disputes Act, 1947 be and the same is being disposed of, since there is no dispute to be adjudicated

This is my AWARD.

The AWARD be sent to the Government.

Sd/-

Dictated & corrected by me.

Sd/-

(Uttam Kumar Nandy)
Judge

JUDGE
FIRST INDUSTRIAL TRIBUNAL
WEST BENGAL

(Uttam Kumar Nandy)
Judge

First Industrial Tribunal
Kolkata

JUDGE
FIRST INDUSTRIAL TRIBUNAL
WEST BENGAL