

I/209412/2022

Government of West Bengal
Labour Department, I. R. Branch

N.S. Building, 12th Floor, 1, K.S. Roy Road, Kolkata - 700001
No. Labr/727/(LC-IR)/7L-05/17
Date :2022

ORDER

WHEREAS an industrial dispute existed between Shri Biswajit Paul, Basanta Kunja, 4, Shantinagar Road, Kolkata - 700079 and his employer M/s Reverse Logistics Company Pvt. Ltd., 28, B.T. Road, Shed No. BLB - 1, Agarpura Jute Mills Ltd., Kamarhati, Kolkata - 700058 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 First 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 First Industrial Tribunal, Kolkata has submitted to the State Government its Award dated 29.06.2022 under section 10(1B)(d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide Memo No. 1076-L.T. dated 13.07.2022;

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,

Joint Secretary

to the Government of West Bengal

No. Labr/727/(LC-IR)

Date : 26-07-2022

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

1. M/s Reverse Logistics Company Pvt. Ltd., 28, B.T. Road, Shed No. BLB - 1.
2. Agarpura Jute Mills Ltd., Kamarhati, Kolkata - 700058.
3. Shri Biswajit Paul, Basanta Kunja, 4, Shantinagar Road, Kolkata - 700079.
4. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
5. The OSD & EO Labour Commissioner, W.B., New Secretariat Building, (11th Floor), 1, Kiran Sankar Roy Road, Kolkata - 700001.
- ✓ 6. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.

Joint Secretary

No. Labr/727/(LC-IR)

Date : 26-07-2022

Copy forwarded for information to :-

1. The Judge, First Industrial Tribunal, Kolkata, with respect to his Memo No. 1076-L.T. dated 13.07.2022.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.
3. Office Copy.

Joint Secretary

In the matter of an Industrial Disputes exists between Sri Biswajit Paul, Basanta Kunja, 4 Shantinagar Road, Kolkata , Pin – 700 079 against his employer M/s Reverse Logistics Company Pvt. Ltd. 28 B.T. Road, Shed No. BLB-1, Agarpara Jute Mills Ltd. Kamarhati, Kolkata – 700 058 having it's registered office at Khasra 337, 1st Floor, Chaudhary Satbir Complex, Near CRC-2, Sultanpur, MG Road, New Delhi – 110 030.

Case No. 08/2018 u/s 10 (1b)(d) 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: 29.06.2022

Case No.: 08/2018 u/s 10 (1b)(d)

This industrial dispute between Sri Biswajit Paul, Basanta Kunja, 4 Shantinagar Road, Kolkata , Pin – 700 079 against his employer M/s Reverse Logistics Company Pvt. Ltd. 28 B.T. Road, Shed No. BLB-1, Agarpara Jute Mills Ltd. Kamarhati, Kolkata – 700 058 having it's registered office at Khasra 337, 1st Floor, Chaudhary Satbir Complex, Near CRC-2, Sultanpur, MG Road, New Delhi – 110 030 has been raised by the Applicant / Workman Sri Biswajit Paul to this Tribunal for adjudication of the following issues, as revealed from the pleading of the parties:

ISSUES

- 1) *Whether the dismissal of Sri Biswajit Paul by the management of M/s Reverse Logistics Company Pvt. Ltd. with effect from 29.08.2016 is justified?*
- 2) *What relief, if any, he is entitled to?*

It is revealed from the record after receipt of the application u/s 10(1b)(d), necessary notices was served upon the Opposite party. Since notice was returned unserved with the postal endorsement "farm abolished", Workman was ordered to issue notice to the Opposite Party in its registered address at its registered office situated at Khasra 337, 1st Floor, Chaudhary Satbir Complex, Near CRC-2, Sultanpur, MG Road, New Delhi – 110 030.

The Order was passed on 28.01.2019 and next date was fixed on 07.03.2019. Since then no step was taken by the Workman. Ultimately on 27.01.2020 it was ordered upon the Workman to file show cause as to why the case shall not be dismissed 'No Dispute' ground and even thereafter the Workman neither filed any show cause nor appeared before this Tribunal at any point of time even after notice being served upon the Workman on 31.08.2021.

Then on 22.12.2021 S/R upon the Company was returned with a comment 'Left' but S/R upon the Workman is not returned. In spite of that on last occasion by order dated 18.04.2022 the Workman was given another chance to appear himself, i/d necessary shall be passed. Same Order was followed on 30.05.2022 and next date has been fixed on 29.06.2022.

Thus considering the above facts and circumstances coupled with the conduct of the Workman this Tribunal has constrained to hold that the Workman being the Applicant himself is not willing to proceed the case further and therefore, the industrial dispute should be no longer in existence by and between the parties.

In this circumstances 'No Dispute Award' is passed on the footings of the present industrial dispute raised in the application by the Workman named Sri Biswajit Paul is no longer in existence.

This is my Award.

The Award be send to the Government immediately.

Sd/-

(Uttam Kumar Nandy)
Judge
First Industrial Tribunal
Kolkata

JUDGE
FIRST INDUSTRIAL TRIBUNAL
WEST BENGAL

Dictated & corrected by me.

Sd/-

(Uttam Kumar Nandy)
Judge
JUDGE
FIRST INDUSTRIAL TRIBUNAL
WEST BENGAL

