

I/336970/2022

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

No. Labr/. ⁹⁷⁸/(LC-IR)/22015(16)/49/ 2022. Date ¹⁰⁻¹¹⁻.....2022

ORDER

WHEREAS an industrial dispute existed between M/s Elmecon Engineers, 44/37, B.T. Road, Siddherwari Road, P.O. – Sukhchar, P.S. – Khardaha, Kolkata - 700115 and their workman Shri Asit Kumar Mondal S/o Late Indu Bhusan Mondal, 19 Karunamoyee Road, P.O. – Talpukur, P.S. – Titagarh, Dist. – North 24 Parganas, Kolkata - 700123 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 First Industrial Tribunal Specified for this purpose under this Department Notification No. 101-IR dated 2.2.12;

AND WHEREAS the First Industrial Tribunal has submitted to the State Government its Award dated 23.09.2022 vide memo no. 1502 - L.T. dated 27/09/2022.

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,

^{sdt}
Joint Secretary

to the Government of West Bengal

I/336970/2022

(2)

No. Labr.....⁹⁷⁸/1(2) - IRDated ¹⁰⁻¹¹⁻.....2022.

Copy forwarded for information to:

1. The Judge, First Industrial Tribunal with reference to his Memo No. 1502 - L.T. dated 27/09/2022.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

Joint Secretary ^{sdt}No. Labr.....⁹⁷⁸/2(5) - IRDated ¹⁰⁻¹¹.....2022

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

1. M/s. Elmecon Engineers, 44/37, B.T. Road, Siddherwari Road, P.O. - Sukhchar, P.S. - Khardaha, Kolkata - 700115.
2. Shri Asit Kumar Mondal S/o Late Indu Bhusan Mondal, 19 Karunamoyee Road, P.O. - Talpukur, P.S. - Titagarh, Dist. - North 24 Parganas, Kolkata - 700123.
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 Sr. Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.

Joint Secretary ^{10/11/22}

In the matter of an Industrial Disputes exists between Shri Asit Kumar Mondal, s/o Late Indu Bhusan Mondal, 19 Karunamoyee Road, P.O. – Talpukur, P.S. – Titagarh, Dist. – North 24 Parganas, Kolkata – 700 123 and his employer M/s Elmecon Engineers situated at 44/37, B.T. Road, Siddherwari Road, P.O. – Sukhchar, P.S. – Khardaha, Kolkata – 700 115 and 1/21 Surya Sen Nagar, Khardaha, Kolkata – 700 117 and against Mr. Amitava Gangopadhyay, the Proprietor of the above-mentioned Company.

BEFORE THE FIRST INDUSTRIAL TRIBUNAL: WEST BENGAL

PRESENT

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

Date of Order: 23.09.2022

Case No.: 01/2016 u/s 2A(2)

The instant case has been initiated on receipt of an application dated 28.03.2016 u/s 2A(2) read with section 10(1B)(d) of the Industrial Disputes Act, 1947 by one Asit Kumar Mondal s/o Late Indu Bhusan Mondal, 19 Karunamoyee Road, P.O. – Talpukur, P.S. – Titagarh, Dist. – North 24 Parganas, Kolkata – 700 123 and his employer M/s Elmecon Engineers situated at 44/37, B.T. Road, Siddherwari Road, P.O. – Sukhchar, P.S. – Khardaha, Kolkata – 700 115 and 1/21 Surya Sen Nagar, Khardaha, Kolkata – 700 117 and against Mr. Amitava Gangopadhyay, the Proprietor of the above-mentioned Company for his reinstatement in service with full back wages and for other consequential benefits.

Thereafter on 05.05.2016 the Company appeared through Ld. Advocates.

On 29.08.2016 Company filed a petition claiming that the case is liable to be dismissed on the point of maintainability instead of filing Written Statement, against which the Workman has filed Written Objection on 09.11.2016 and the same was disposed of on 14.12.2016 by ordering that the Applicant shall file application for necessary amendment of the section of application and accordingly the Applicant filed the same and accordingly the amendment was noted in the application to the effect that the instant case has been filed u/s 2A(2) of the Industrial Disputes Act 1947.

On 20.07.2017 the Company filed Written Statement and after completion of exchange of documents Issue was framed on 17.01.2018 and the same was kept in separate sheet in the record.

Thereafter, evidence of Workman was going on but it is noticed that Workman is absent without step for a long time for which notice was issued upon the Workman to appear in person or otherwise, i/d necessary order shall follow being ordered on 01.10.2021.



S/R was returned on 20.12.2021 with remark of "deceased" along with the notice being issued to him.

Thereafter, I.C. Titagarh Police Station was asked to inform by 21.01.2022 asking their report about the death of Shri Asit Kumar Mondal the then Applicant. The Death Report was received on 21.01.2022. Heirs were duly communicated by issuing notice to the address of the deceased Workman along with the Order No. 66, dated 21.01.2022 to contest the case on behalf of the deceased Applicant.

Then on 11.03.2022 a petition was filed on behalf of the deceased Asit Kumar Mondal along with the photocopy of Death Certificate of deceased, Aadhar Card, Pan Card of the family members namely Smt. Swapna Mondal (wife) and Ayan Mondal (son) who prayed for passing necessary order to substitute them in place of deceased along with the Vokatnama.

Thereafter the representatives of the deceased were asked to file Heirship Certificate. In spite of the speaking order and giving several opportunities, the so-called representatives of the deceased had failed to file Heirship Certificate in respect of deceased Asit Kumar Mondal till date.

So, considering all aspects and conducts of the deceased representatives I am of opinion that they are not willing to continue the case for the reason best known to them and therefore, it is a fit case for award of "No Dispute".

In this circumstance 'No Dispute Award' is passed on the footings of the present industrial dispute raised in the application by the Workman named Asit Kumar Mondal since deceased and substituted by his heirs is no longer in existence.

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

