

I/452550/2023

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

No.Labr./. 995/(LC-IR)/22015(16)/22/2022 Date: 07/11/2023

ORDER

WHEREAS an industrial dispute existed between M/s. K.N.D Engineering Technologies Limited & Anr., 7A, Hospital Street, 2nd Floor, Kolkata - 700072 and their workman Sri Sanat Bose, Vill & P.O. Kakdwip, Ganeshpur Purba Bazar, Dist. - 24 Pgs.(S) - 743347 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 21/09/2023 in case no. 37/2018/2A (2) on the said Dispute vide memo no. 1286 - L. T. dated 04/10/2023.

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
Assistant Secretary
to the Government of West Bengal

1/452550/2023

(2)

No. Labr ⁹⁹⁵...../1(2) – IRDate: ... ^{07/11}.../...2023

Copy forwarded for information to:

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 1286- L. T. dated 04/10/2023.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

Soft
Assistant Secretary

No. Labr ⁹⁹⁵...../2(5) – IRDate: ... ^{07/11}.../...2023

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

1. M/S. K.N.D Engineering Technologies Limited & Anr., 7A, Hospital Street, 2nd Floor, Kolkata – 700072.
2. Sri Sanat Bose, Vill & P.O. Kakdwip, Ganeshpur Purba Bazar, Dist. – 24 Pgs.(S) - 743347.
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.

30
Assistant Secretary

H.A.(IT)
07/11/2023
Dipankar
As
07.11.2023

Before The Seventh Industrial Tribunal, West Bengal

Present: Ms. Yogita Gaurisaria, Judge, Seventh Industrial Tribunal.

Case No. 37 of 2018

Under Section 2A(2) of The Industrial Disputes Act, 1947

Sanat Bose, Village and P.O. Kakdwip, Ganeshpur Purba Bazar, Dist. – 24
Pgs. (S) – 743 347 (W.B.) Applicant

-VS-

M/S. K.N.D. Engineering Technologies Limited & Anr.,
Corporate Office : 7A, Hospital Street, 2nd Floor, Kolkata – 700 072.
..... Opposite Party

A W A R D

Dated 21.09.2023

Applicant Sanat Bose is absent without steps.

O.P. /Company is absent.

Today is fixed for passing no dispute award.

Case record is taken up for passing no dispute award.

This case has been filed by the applicant/workman Sanat Bose u/s 2A(2) of the Industrial Disputes Act, 1947 against his employer M/S. K.N.D. Engineering Technologies Limited in connection with termination of his service by way of refusal of employment illegally with a prayer to reinstate him in service with full back wages and other consequential benefits.

Perused the case record wherefrom it appears that as the applicant is/was not appearing before this Tribunal since 14.09.2021, considering the conduct of the applicant, on 10.06.2022 order was passed to issue notice upon the applicant asking him to appear personally before this Tribunal on 21.07.2022 and file show cause as to why no dispute award shall not be passed in the instant case/dispute. Thereafter, on two consecutive dates i.e.



Contd.....P/2

sd/k
Judge
Seventh Industrial Tribunal
21.09.2023

(2)

19.04.2023 and 26.06.2023 fresh notice were issued upon the applicant asking him to appear before this Tribunal on 08.08.2023 and file show cause as to why no dispute award should not be passed, but on that date also i.e. on 08.08.2023 the applicant was found absent on repeated calls inspite of further notice duly served upon him as revealed from the postal track report nor filed any show cause from his side. Since thereafter, the applicant is not appearing in this Tribunal nor has filed any show cause. Accordingly, this Tribunal is under impression that the applicant did not bother to appear before this Tribunal personally or file show cause and as such, this Tribunal holds that the applicant is not willing to proceed with his present case/dispute.

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. 37 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/-
(Yogita Gaurisaria)
Judge, 7th Industrial Tribunal
Kolkata
21.09.2023

Judge
Seventh Industrial Tribunal