

I/218641/2022

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

N.S. Building, 12th Floor, 1, K.S. Roy Road, Kolkata - 700001

No. Labr/844/(LC-IR)/22015(16)/43/2022 Date: 08/09/2022

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. 1246/(LC-IR)/IR/112-92/2006 dated 27/10/2006 the Industrial Dispute between M/s Panja & Co., 26, Amratolla Lane, Kolkata - 700001 and Calcutta Dukan-O-Sangastha Majdoor Union, 68/1, Sri Gopal Mullick Lane, Kolkata - 700012 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, Fifth Industrial Tribunal, West Bengal.

AND WHEREAS the said Fifth Industrial Tribunal, West Bengal, has submitted to the State Government its award dated 24/08/2022 on the said Industrial Dispute vide memo no 1311 - L.T. dated - 24/08/2022.

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/844/1(5)/(LC-IR)

Date: 08/09/2022

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

1. M/s Panja & Co., 26, Amratolla Lane, Kolkata - 700001.
2. Calcutta Dukan-O-Sangastha Majdoor Union, 68/1, Sri Gopal Mullick Lane, Kolkata - 700012.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D & E.O. Labour Commissioner, W.B. New Secretariate Building, 1, K. S. Roy Road, 11th Floor, Kolkata- 700001.
- ✓ 5. The Sr. Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.

No. Labr/844/2(2)/(LC-IR)

Date: 08/09/2022

Copy forwarded for information to:

1. The Judge, Fifth Industrial Tribunal, West Bengal with reference to his Memo No.1311 - L.T. dated - 24/08/2022.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Joint Secretary

In the matter of an industrial dispute between the Employer i.e. M/s S. Panja & Company, 26, Amratolla Lane, Kolkata – 700 001 and their workman represented by Calcutta Dukan-O-Sangastha Majdoor Union, 68/1, Sri Gopal Mullick Lane, Kolkata – 700 012, referred to this Tribunal Vide G.O. No.. No. 1246-IR dt. 27.10.2006

IR/112-92/06

and Notification No. 808 IR-IR/3A-2/57 dt. 11.03.1957.

Case No. VIII-81/2006

Before the Fifth Industrial Tribunal, West Bengal

Present: Shri Kamal Sarkar, Judge, 5th Industrial Tribunal, West Bengal

A W A R D

An industrial dispute between the Employer i.e. M/s S. Panja & Co, 26, Amratolla Lane, Kolkata – 700 001 and their workman represented by Calcutta Dukan-O-Sangastha Majdoor Union, 68/1, Sri Gopal Mullick Lane, Kolkata – 700 012, referred to this Tribunal Vide G.O. No.. No. 1246-IR dt. 27.10.2006 and Notification No.

IR/112-92/06

808 IR-IR/3A-2/57 dt. 11.03.1957, to this Tribunal for adjudication on the following issues :-

I S S U E (S)

1. Whether termination of service of Sri Biswanath Sar by the management with effect from 31.03.2004 is justified ?
2. What relief, if any, is he entitled to ?

The case record is taken up for passing order.

On perusal the case record, both the parties were show caused by this Tribunal since 03.12.2021, but surprisingly, none of the parties appeared before this Tribunal till last date i.e. on 08.08.2022. It further reveals from the case record that inspite of several attempts took by this Tribunal to send show cause notices by registered post with A/D, but none of the parties accepted this show cause notice reason best known to them. From the case record, it further reveals that none of the parties is appearing before this Tribunal since 16.12.2019.

Considering the above facts and circumstances, it is clear before this Tribunal that both the parties i.e. the petitioner M/s. S. Panja & Co. and their workman represented by Calcutta Dukan-O-Sangastha Majdoor Union are not interested to proceed with the hearing of this case. Therefore, this Tribunal has no hesitation to hold that there is no dispute exists at present between the parties and as such, the case is liable to be disposed of in view of Rule 22 of the West Bengal Industrial Dispute Rule, 1958.

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(2)

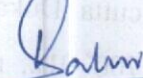
Hence,

Ordered

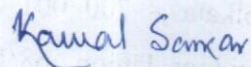
that the industrial dispute under reference No. 1246-IR dt. 27.10.2006
IR/112-92/06

and Notification No. 808 IR-IR/3A-2/57 dt. 11.03.1957 is no longer in existence and accordingly, the case is disposed of and this order is to be treated as 'No Dispute' award between the parties.

Dictated & corrected by me.



Judge 24.08.2022



Judge 24.08.2022
5th Industrial Tribunal
Kolkata

Judge,
5th Industrial Tribunal
Govt. of West Bengal