

I/460208/2023

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

No. Labr/1089/(LC-IR)/22015(16)/63/23 Date: 06/12/2023

ORDER

WHEREAS an industrial dispute existed between Nirmal Dey, owner of M/s. K.V. Hosiery, 173, Ramesh Dutta Street, Kolkata - 700006 and workman Sri Shankar Saha, 6, Ramdhan Khan Lane, Kolkata - 700005 regarding the issue, 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 Seventh Industrial Tribunal specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, the Seventh Industrial Tribunal heard the parties under section 10(1B) (d) of the I.D. Act, 1947 (14 of 1947) and framed the following issue dismissal of the workman as the "issue" of the dispute.

AND WHEREAS the Seventh Industrial Tribunal has submitted to the State Government its Award dated 06/11/2023 in Case No. 08/2017 U/s10(1B) (d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide memo no. Dte/7th IT/72 - L.T. dated 30/11/2023.

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/-
Assistant Secretary
to the Government of West Bengal

/460208/2023

:2:

No. Labr/. . . 1069 1/(5)/(LC-IR)

Date: 06/12/2023

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

1. Nirmal Dey, owner of M/s. K.V. Hosiery, 173, Ramesh Dutta Street, Kolkata - 700006.
2. Sri Shankar Saha, 6, Ramdhan Khan Lane, Kolkata - 700005.
3. The Asstt. Labour Commissioner, W.B. In-Charge, 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 Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.


Assistant Secretary

No. Labr/. . . 1069 .2/(2)/(LC-IR)

Date : 06/12/2023

Copy forwarded for information to:-

1. The Judge, Seventh Industrial Tribunal, Govt. of West Bengal, N.S. Building, 1, K.S. Roy Road, Kolkata - 700001 with respect to his Memo No. Dte/7th IT/72 - L.T. dated 30/11/2023.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.


Assistant Secretary

Before The Seventh Industrial Tribunal, West Bengal

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

Case No. 08 of 2017

Under Section 10(1B)(d)

Shankar Saha, 6, Ramdhan Khan Lane, Kolkata – 700 005

.....Applicant

-VS-

Nirmal Dey, owner of M/s. K.V. Hosiery, 173, Ramesh Dutta Street , Kolkata
– 700 006.

..... Opposite Party

A W A R D

Dated 06.11.2023

Applicant Shankar Saha is absent without steps.

O.P. /Company is absent.

Today is fixed for passing no dispute award in view of order no. 45 dt.
26.07.2023.

Case record is taken up for passing order.

This case has been filed by the applicant/workman Shankar Saha u/s
10(1B)(d) of the Industrial Disputes Act, 1947 against his employer M/s.
M/s. K.V. Hosiery 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 since 27.01.2023
the applicant is absent. As a result, a notice was issued on 26.07.2023 against
the applicant directing him to file show cause on 29.09.2023 as to why no



Contd.....P/2

Sd/-
06/11/23
Judge
Seventh Industrial Tribunal

(2)

dispute award shall not be passed in the instant case. Vide order dated 29.09.2023 this Tribunal hold that the notice sent to the applicant has not been received back and accordingly, it is presumed that the notice has been received by the applicant. The applicant was absent on repeated calls on that date too and no show cause was also filed from the side of the applicant till date.

Therefore, it is clear that the applicant is not willing and bothered to proceed with his present case further.

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

O r d e r e d

that the case being No. 08 of 2017 u/S 10(1B)(d) 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
06.11.2023

Judge
Seventh Industrial Tribunal