

I/460792/2023

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

No. Labr/. ¹⁰⁷⁶ / (LC-IR)/22015(16)/6/2023 Date: ^{07/12} / 2023

ORDER

WHEREAS an industrial dispute existed between M/s. Indira I.V.F. Hospital Pvt. Ltd., 3rd Floor, Regal Plaza, G.T. Road, Murgasole, Asansol, Dist - Paschim Bardhaman and Sri Dhanajoy Chourashya, Vill. - Kalipahari Bazar, P.O. - Kalipahari, P.S. - Asansol (South), Dist - Paschim Bardhaman 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 of the Industrial Dispute Act, 1947 (14 of 1947) to the Ninth Industrial Tribunal specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, the Ninth Industrial Tribunal heard the parties under section 10 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 Ninth Industrial Tribunal has submitted to the State Government its Award dated 29/11/2023 in Case No. 32 of 2023 under section 10 of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide memo no.197- I.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

/460792/2023

:2:

No. Labr/. 1076/.1/(5)/(LC-IR)

Date: 07/12/2023

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

1. M/S. Indira I.V.F. Hospital Pvt. Ltd., 3rd Floor, Regal Plaza, G.T. Road, Murgasole, Asansol, Dist - Paschim Bardhaman.
2. Sri Dhanajoy Chourashya, Vill. - Kalipahari Bazar, P.O. - Kalipahari, P.S. - Asansol (South), Dist - Paschim Bardhaman.
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/. 1076/.2/(2)/(LC-IR)

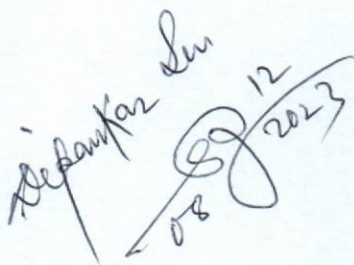
Date: 07/12/2023

Copy forwarded for information to:-

1. The Judge, Ninth Industrial Tribunal, West Bengal, Durgapur, Administrative Building, City Centre, Pin - 713216 with respect to his Memo No. 197- I.T. dated 30/11/2023.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

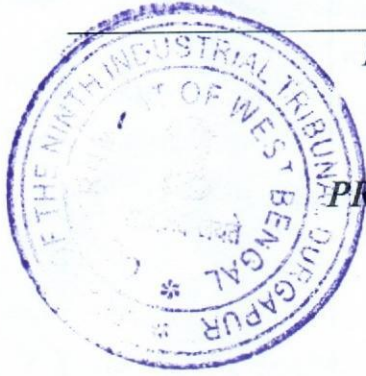
Assistant Secretary

Deputy Secy
08/12/2023



In the matter of an Industrial dispute between M/S. Indra IVF Hospital Pvt. Ltd, 3rd Floor, Regal Plaza, G.T.Road, Murgasole, Asansol, Dist- Paschim Bardhaman and its workman Sri Dhananjay Chourashya, Vill.- Kalipahari Bazar, P.O-Kalipahari, P.S-Asansol (South), Dist-Paschim Bardhaman.

Case No. 32 / 2023 U/S 10 of the Industrial Disputes Act, 1947.



**BEFORE THE 9TH INDUSTRIAL TRIBUNAL,
DURGAPUR, WEST BENGAL, KOLKATA.**

**PRESENT :- SHRI SUJIT KUMAR MEHROTRA,
JUDGE, 9th INDUSTRIAL TRIBUNAL,
DURGAPUR.**

Ld. Advocate for the Workman: - None.

Ld. Advocate for the Employer:- Mr. Subhas Chakroborty & Indrajit Mandol.

The award dated 29th day of Novt. 2023.

A W A R D

Ld. lawyer for the employer/hospital is present.

Received the report from the Asansol (South) alongwith copy of notice. It transpires from the the concerned workman/employee received notice on 27.11.2023.

Workman/employee fails to appear.

Hd. ld. lawyer for the employer/hospital, who submits that no industrial dispute exists between the parties, and the instant case is disposed of as no dispute award.

Perused the entire CR as well as the report of the concerned P.S.

Considered.

It transpires from the CR that the Govt. of West Bengal through its Joint Secretary, Labour Deptt. vide reference no. Labr./697/(LC-IR)/ 22015(16)/6/2023 dated 08.08.2023 referred the Industrial Disputes between the parties, as mentioned herein above, for adjudication under the Industrial Disputes Act, 1947 (hereinafter referred to as Act of 1947) for adjudication.

The concerned Joint Secretary in exercise of the power conferred by U/S 10 of the Act, 1947 referred the industrial disputes for adjudication after framing the following issues :

- 1) Whether the refusal of employment of the workman namely Sri Dhananjay Chourashya by the management of M/S. Indra IVF Hospital



Pvt.Ltd.3rd floor, Regal Plaza, G.T. Road, Murgasole, Asansol Dist.-
Paschim Bardhaman, PIN- 713303 by way of forceful resignation on
03.06.2020 is justified?

2) To what relief, if any, is he entitled?

After received of the aforementioned reference order this tribunal registered the instant case U/S 10 of the Act of 1947 and put both the parties to notice by speed post and after service of the same although employer/hospital appeared through its ld. Lawyer but the workman/employee failed to appear. Despite of service of notice by speed post upon the workman/employee this tribunal again sent notice to her through the local P.S on the address as mentioned in the reference order of the Govt. of West Bengal, and the concerned P.S submitted a report that the same was received on 27.11.2023.

It is all the more pertinent to mention herein that the said workman approached the labour Commissioner for conciliation of the industrial dispute between him and his said employer and as the same failed, so the Govt. of West Bengal after due consideration of the failure report referred the industrial dispute to this tribunal for adjudication. Thus, the concerned workman certainly had/has all along the knowledge of reference of the impugned case but inspite thereof he showed no interest to appear before this tribunal.

Having regard to the above facts and circumstances I am of the view that workman/employee does not want to proceed further with the instant case and there exists "no industrial disputes" between the above-named workman/employee and M/S Indira IVF Hospital Pvt.Ltd.

Hence, it is,

Ordered

that the reference under Section 10 of the Industrial Disputes Act, 1947, is disposed of as no dispute award between the parties but without cost.

This is my award.

Send a copy of this award to the Additional Chief Secretary, Labour Department, Govt. of West Bengal for information and doing the needful from his end.

D / C by me,

Sd/- Sri Sujit K. Mehera
Judge, 29.11.23.

JUDGE
NINTH INDUSTRIAL TRIBUNAL
DURGAPUR

Sd/- Sri Sujit K. Mehera
Judge, 29.11.23.

9th I.T, Durgapur
JUDGE
NINTH INDUSTRIAL TRIBUNAL
DURGAPUR