

1/460793/2023

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

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

No. Labr/. . . ¹⁰⁷⁷/(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 Smt. Prity Prasad, M.P. Road, Sostitala, Ballavpur, P.O. & P.S. - Raniganj, 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. 35 of 2023 under section 10 of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide memo no.199- 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,

^{Sdt}
Assistant Secretary
to the Government of West Bengal

/460793/2023

:2:

No. Labr/. 1077/.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. Smt. Prity Prasad, M.P. Road, Sostitala, Ballavpur, P.O. & P.S. - Raniganj, 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/. 1077/.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. 199- I.T. dated 30/11/2023.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.


Assistant Secretary

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 Smt.Prity Prasad, M.P.Road, Sostitala, Ballavpur, P.O & P.S-Raniganj, Dist-Paschim Bardhaman.

Case No. 35 / 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 Nov.,2023.

A W A R D

Ld.lawyer for the employer/hospital is present.

CR is taken up for passing order.

Perused the entire materials of the CR. Considered.

It transpires from the CR that the Govt. of West Bengal through its Joint Secretary, Labour Deptt. vide reference no. Labr./764/(LC-IR)/ 22015(16)/6/2023 dated 18.08.2023 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 Smt.Prity Prasad 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 she 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 in consequence thereof although employer/hospital

JUDGE
NINTH INDUSTRIAL TRIBUNAL
DURGAPUR

appeared through its ld. Lawyer but the concerned employee/workman failed to appear till this date.

CR further reveals that initially the notice was sent by speed post but the same returned unserved with an endorsement of "Left" of the concerned Postman and thereafter this tribunal sent notice to her through the local P.S in the same address, as mentioned in the reference order of the Govt. of West Bengal, and the same was received by the employee/workman on 06.11.2023. Despite of such service she failed to appear in this case till this date.

It is all the more pertinent to mention herein that the said workman/employee approached the labour Commissioner for conciliation of the industrial dispute between her and her said employer and as the conciliation proceeding failed, so the Govt. of West Bengal after due consideration of the failure report referred the industrial dispute to this tribunal for adjudication after notice to both the parties. Therefore, the concerned employee /workman certainly has/had the knowledge of reference of the impugned case.

Having regard to the above facts and circumstances I am of the view that employee/workman does not want to proceed further with the instant case and there exists "no industrial disputes" between the above-named employee/workman 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 Sejit Kumar Moharana,
Judge, 29.11.23

JUDGE

NINTH INDUSTRIAL TRIBUNAL
DURGAPUR

Sd/- Sri Sejit Kumar Moharana,
Judge, 29.11.23

9th Industrial Tribunal, Durgapur

JUDGE

NINTH INDUSTRIAL TRIBUNAL
DURGAPUR