

I/481126/2024

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

No. Labr/.109. /(LC-IR)/22015(16)/11/2024

Date: 05.02.2024

ORDER

WHEREAS an industrial dispute existed between (1) Dr. S. Das, M/s. Care Hospital, Ultadanga, 14A/1, C.I.T. Scheme, VII, Kolkata - 700067, (2) Dr. S. Das, Maa Durga, P-62, C.I.T. Scheme, VII M, Kolkata - 700054 and their workman Sri Khama Halder, 43/A, Haramohan Ghosh Lane, Kolkata - 700085 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 Seventh Industrial Tribunal has submitted to the State Government its Award dated 11/01/2024 in case No. 34/2019/2A (2) on the said Dispute vide memo no. Dte/7th I.T./012/2024 dated 30/01/2024.

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,



Assistant Secretary
to the Government of West Bengal

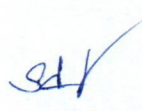
481126/2024

(2)

No Labr/¹⁰⁹...../1(2) - IRDated ^{05.02-}.....2024

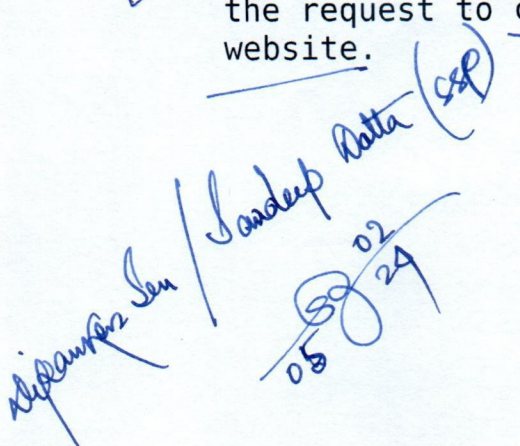
Copy forwarded for information to:

1. The Judge, Seventh Industrial Tribunal, N.S. Building, 3rd Floor, 1, K.S. Roy Road, Kolkata - 700001 with reference to his Memo No. Dte/7th I.T./012/2024 dated 30/01/2024.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.


Assistant SecretaryNo. Labr/¹⁰⁹...../2(6) - IRDated ^{05.02-}.....2024

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

1. Dr. S. Das, M/s. Care Hospital, Ultadanga, 14A/1, C.I.T. Scheme, VII, Kolkata - 700067.
2. Dr. S. Das, Maa Durga, P-62, C.I.T. Scheme, VII M, Kolkata - 700054.
3. Sri Khama Halder, 43/A, Haramohan Ghosh Lane, Kolkata - 700085.
4. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
5. The O.S.D. & E.O. Labour Commissioner, W.B., New Secretariat Building (11th Floor), 1, Kiran Sankar Roy Road, Kolkata - 700001.
- ✓ 6. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.


Assistant Secretary

Signature: Sandeep Datta (SSP)
Date: 05/02/24

Before The Seventh Industrial Tribunal, West Bengal

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

Case No.34 of 2019

Under Section 2A(2)

Sri Khama Halder , 43/A, Haramohan Ghosh Lane, Kolkata – 700 085.

.....Applicant

-VS-

1) Dr. S. Das, M/s Care Hospital, Ultadanga, 14A/1, C.I.T Scheme, VII ,
Kolkata – 700 067.

2) Dr. S. Das, Maa Durga, P-62, C.I.T. Scheme, VII M, Kolkata – 700 054.

.....Opposite Parties

A W A R D

Dated 11.01.2024

Applicant Sri Khama Halder is absent without steps.

O.P. /Company is also absent without steps.

Today is fixed for passing no dispute order in view of order no. 33 dated 29.12.2023.

Case record is taken up for passing order.

This case has been filed by the applicant/workman Sri Khama Halder under Section 2A(2) of the Industrial Disputes Act, 1947 against opposite parties in connection with termination of his service with effect from 01.06.2018 illegally with a prayer to reinstate him in service with full back wages and other consequential benefits and also costs and interests thereto.

Perused the case record wherefrom it is seen that on 06.02.2023 the case was fixed for hearing of the petitions dated 05.05.2022 filed by the O.P.s, but the applicant was found absent on that day on repeated calls and considering the conduct of the applicant, this Tribunal issued notice to the applicant directing him to appear on 06.04.2023 and file show cause as to why the hearing of the petitions filed on 05.05.2022 by the Opposite Parties shall not be heard ex parte. Thereafter, on 17.05.2023 a fresh notice was issued against the applicant, as on that date neither the applicant nor his Ld. Advocate was present, directing to appear on 11.08.2023 and file show cause as to why the said petitions dated 05.05.2022 shall not be heard ex parte. Since thereafter neither S/R was received nor any show cause was filed by the applicant. Thereafter, on 29.11.2023 a

Contd.....P/2



Self-
Seventh Industrial Tribunal
Judge
11/01/24

(2)

further show cause notice was issued directing the applicant to appear on 29.12.2023 and file show cause as to why no dispute award shall not be passed in the instant case.

On 29.12.2023 the applicant was absent and no show cause has been filed from the side of the applicant despite due service of notice upon the applicant. Vide order dated 29.11.2023 it appears that the show cause notice was duly served upon the applicant, but the applicant did not think it necessary to appear before this Tribunal till date and also did not think it necessary to file show cause in view of order no. 33 dated 29.12.2023. Therefore, it is clear that the applicant is not willing 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. 34 of 2019 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
11.01.2024

Judge
Seventh Industrial Tribunal