

I/463104/2023

Government of West Bengal
Labour Department
I.R. Branch

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

No. Labr/. ¹⁰⁹¹ / (LC-IR)/22015(16)/64/2023Date: ¹³⁻¹²2023

ORDER

WHEREAS an industrial dispute existed between M/s. Rakesh Kumar Arora & Sons a HUF Firm & Others, Premises No. AD-34, Salt Lake City, Sector - 1, Kolkata - 700064 and workman Abid Khan, S/o. Nizam Khan, 26/2B, Rafi Ahmed Kidwai Road, Kolkata - 700016 regarding the issues being a matter specified in the Second schedule of the Industrial Dispute act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute act, 1947 (14 of 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 30/11/2023 in case No. 51/2015/2A (2) on the said Dispute vide memo no. Det/7th IT/85-L.T. dated 04/12/2023.

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,

^{Sd/-}
Assistant Secretary
to the Government of West Bengal

/463104/2023

(2)

No Labr/¹⁰⁹¹...../1(2) - IRDated ¹³⁻¹²⁻.....2023

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. Det/7th IT/85-L.T. dated 04/12/2023.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

^{Sd/-}
Assistant Secretary

No. Labr/¹⁰⁹¹...../2(5) - IRDated ¹³⁻¹²⁻.....2023

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

1. M/s. Rakesh Kumar Arora & Sons a HUF Firm & Others, Premises No. AD-34, Salt Lake City, Sector - 1, Kolkata - 700064.
2. Abid Khan, S/o. Nizam Khan, 26/2B, Rafi Ahmed Kidwai Road, Kolkata - 700016.
3. The Assistant Labour Commissioner, W.B., In-Charge of 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



Before The Seventh Industrial Tribunal, West Bengal

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

Case No. 51 of 2015

Under Section 2A(2)

Abid Khan, S/o Nizam Khan, 26/2B, Rafi Ahmed Kidwai Road, Kolkata –

700 016

.....Applicant

-VS-

1. M/s. Rakesh Kumar Arora & Sons a HUF Firm & Others, Premises
No.AD-34, Salt Lake City, Sector – I, Kolkata – 700 064 Opposite
Parties

A W A R D

Dated 30.11.2023

Applicant Abid Khan is absent without steps.

O.P. /Company is absent.

Today is fixed for passing no dispute award in view of order no. 65 dt
21.09.2023.

Case record is taken up for passing order.

This case has been filed by the applicant/workman Abid Khan under
Section 2A(2) of the Industrial Disputes Act, 1947 against his employer M/s.
Rakesh Kumar Arora & Sons a HUF Firm 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.

Contd.....P/2



sd/-
30/11/23
Judge
Seventh Industrial Tribunal

(2)

Perused the case record wherefrom it appears that since 18.08.2021 the applicant is absent. As a result, a notice was issued on 17.05.2022 against the applicant directing him to file show cause on 04.07.2022 as to why no dispute award shall not be passed in the instant case. Till 10.08.2023 the applicant was absent on repeated calls. Thereafter, vide order no. 64 dated 10.08.2023 a fresh notice was sent to the applicant directing him to file show cause as to why no dispute award shall not be passed in the instant case. In spite of service of notice the applicant did not bother to appear before this Tribunal till date. The applicant was absent on repeated calls on 21.09.2023 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

Ordered

that the case being No. 51 of 2015 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 30/11/23
Judge
Seventh Industrial Tribunal



Sd/- 30/11/23
(Yogita Gaurisaria)
Judge
7th Industrial Tribunal
Kolkata

Judge
Seventh Industrial Tribunal