

I/467906/2023

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

No. Labr/. 1135 / (LC-IR)/22015(16)/69/23 Date: 27/12/2023

ORDER

WHEREAS an industrial dispute existed between M/s. Bansal Cement Pvt. Ltd., 33A, J.L. Nehru Road, Chatterjee International Centre (13th Floor), Room No. A-04, Kolkata - 700071 and Sri Jayanta Giri, Rampur, P.O. Gobindapur, Maheshtala, Kolkata - 700041 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.

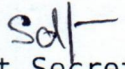
AND WHEREAS the Seventh Industrial Tribunal has submitted to the State Government its Award dated 15/12/2023 in Case No. 46/2015 U/s 10(1B) (d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide memo no. Dte/7th IT/137 - L.T. dated 15/12/2023.

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,


Assistant Secretary
to the Government of West Bengal

467906/2023

:2:

No. Labr/.¹¹³⁵. 1/(5)/(LC-IR)

Date: 27/12/2023

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

1. M/s. Bansal Cement Pvt. Ltd., 33A, J.L. Nehru Road, Chatterjee International Centre (13th Floor), Room No. A-04, Kolkata - 700071.
2. Sri Jayanta Giri, Rampur, P.O. Gobindapur, Maheshtala, Kolkata - 700041.
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/.¹¹³⁵. 2/(2)/(LC-IR)

Date : 27/12/2023

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/137 - L.T. dated 15/12/2023.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Assistant Secretary

Debarun / Sandeep (144)
02/01/2024

Before The Seventh Industrial Tribunal, West Bengal

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

Case No. 46 of 2015

Under Section 10(1B)(d)

Sri Jayanta Giri, Rampur, P.O. Gobindapur, Maheshtala, Kolkata-700 041,
W.B.

.....Applicant

-VS-

M/s. Bansal Cement Pvt.Ltd.,
33A, J.L. Nehru Road, Chatterjee International Centre (13th Floor), Room
No. A-04, Kolkata-700 071

.....Opposite Party

A W A R D

Dated 15.12.2023

Today is fixed for appearance i.d. no dispute award.

Applicant Sri Jayanta Giri is absent without steps.

O.P. /Company is absent.

Accordingly, the case record is taken up for passing no dispute award.

This case has been filed by the applicant/workman Sri Jayanta Giri u/S
10(1B)(d) of the Industrial Disputes Act, 1947 against his employer M/s. Bansal
Cement Pvt. Ltd in connection with termination of his service 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 the applicant was
not appearing before this Tribunal since 24.01.2022 and accordingly, on 28.04.2022
the applicant was directed to appear before this Tribunal and file show cause on
15.06.2022. On 15.06.2022 the applicant did not file any show cause. Thereafter,
till 07.12.2022 he was not present before this Tribunal. Thereafter, again further
show cause was issued against the parties on 01.02.2023 directing to appear before
this Tribunal on 17.03.2023. Thereafter, till 27.09.2023 the applicant was absent

Contd..P2



Sd/-
15/12/23
Judge
Seventh Industrial Tribunal

(2)

without any steps. As a result, on 27.09.2023 a fresh notice was issued to the applicant fixing 09.11.2023 for appearance of the applicant and filing show cause. But on that date also i.e. on 09.11.2023 the applicant was absent on repeated calls. As per postal track report, it appears that the notice issued upon the applicant has been delivered on 17.10.2023 as per postal remark 'the item delivered to the addressee'. It appears from the record that even after the service of notice upon the applicant again and again he is not interested to proceed with the instant case any 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. 46 of 2015 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
Seventh Industrial Tribunal



Sd/-
(Yogita Gaurisaria)
Judge, 7th Industrial Tribunal
Kolkata
15.12.2023
Judge
Seventh Industrial Tribunal