

I/582787/2024

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

No. Labr/ 1172 / (LC-IR)/22015(16)/77/2024

Date : 05-12-2024

ORDER

WHEREAS under Labour Department's Labr/254/(LC-IR)/22015(16)/25/2024 dated 13.03.2024. reference of the Industrial Dispute between M/s Bharat Roll Industry Pvt. Ltd., Unit: II, Jagannathpur, Delhi Road, P.O. Bamunari, Dist. Hooghly, PIN-712250 and their workmen represented by Hooghly District S.S.I. Workers Union, C/o Sri Asim Mukherjee, 221, Vivekananda Sarani, Nabagram, P.O. – Serampore, Pin – 712203 regarding the issues mentioned in the said order, being a matter specified in the Second Schedule to the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Third Industrial Tribunal, Kolkata.


AND WHEREAS the said Third Industrial Tribunal, Kolkata, has submitted to the State Government its Award dated 20.11.2024 in case No. 23/2024/10 u/s 10 of the I. D. Act, 1947 on the said Industrial Dispute vide E-mail dated 26.11.2024.

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

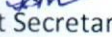
to the Government of West Bengal

No. Labr/ 1172 /1(5)/(LC-IR)/ 22015(16)/77/2024

Date : 05-12-2024

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

1. Bharat Roll Industry Pvt. Ltd., Unit: II, Jagannathpur, Delhi Road, P.O. Bamunari, Dist. Hooghly, PIN-712250.
2. Hooghly District S.S.I. Workers Union, C/o Sri Asim Mukherjee, 221, Vivekananda Sarani, Nabagram, P.O. – Serampore, Pin – 712203.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B. New Secretariat Building, 1, K. S. Roy Road, 11th Floor, 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/ 1172 /1(3)/(LC-IR)/ 22015(16)/77/2024

Date : 05-12-2024

Copy forwarded for information to :

1. The Judge, Third Industrial Tribunal, Kolkata, N.S. Building, 2nd Floor, 1, K.S. Roy Road, Kolkata-700001 with reference to his E-mail dated 26.11.2024.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.
3. Office Copy.


Assistant Secretary

In the Third Industrial Tribunal, West Bengal
New Secretariat Buildings, Kolkata

Present: Sri Mihir Kumar Mondal
Judge, 3rd Industrial Tribunal
Kolkata.

Case No.-23/2024/10; u/s. 10 of the I.D. Act, 1947

AWARD

Dated :20-11-2024

The Labour Department, Government of West Bengal has referred an Industrial Dispute between M/s. Bharat Roll Industry Pvt. Ltd., Unit: II, Jagannathpur, Delhi Road, P.O. Bamunari, Dist. Hooghly, PIN-712250 and their workmen represented by Hooghly District S.S.I. Workers Union, C/o Sri Asim Mukherjee, 221, Vivekananda Sarani, Nabagram, P.O. – Serampore, Pin - 712203 to this Tribunal vide Order No. Labr/254/(LC-IR)/22015(16)/25/2024 dated 13.03.2024 on the following issue(s) for adjudication:

ISSUES

- 1) Whether the suspension of work of the factory M/s. Bharat Roll Industry Pvt. Ltd., Unit: II, Jagannathpur, Delhi Road, P.O. Bamunari, Dist. Hooghly, Pin – 7122501 having its registered office at 18A/2, “EVEREST”46C, Chowringhee Road, Kolkata – 700071 by the Management w.e.f. 12.07.2021 is justified ?
- 2) To what relief, if any, is the workmen represent by CITU are entitled to?

On receiving the ‘Order of Reference’ of the appropriate Government containing ‘Reference of Disputes’, this Tribunal on 09.04.2024 by its Order No. 1 issued Notice upon both the parties. On receiving the notice, M/s Bharat Roll Industry Pvt. Ltd., Unit: II entered its appearance through one of its Director namely Jitendar Singh Dhanjal in this case by filing Vakalatnama duly accepted by Ld. Advocate Pallavi Gogoi.

But, Hooghly District S.S.I. Workers Union, representative of ‘workmen’ did not enter its appearance in this case complying the statutory provisions although the notice in Form D-2 sent from this Tribunal was delivered to the Hooghly District S.S.I. Workers Union, C/o Sri Asim Mukherjee.

The record shows that the Company i.e. M/s Bharat Roll Industry Pvt. Ltd., Unit: II entered its appearance through Ld. Advocate namely Pallavi Gogoi on 07.05.2024 but the Hooghly District S.S.I. Workers Union did not or skipped its appearance in this case before this Tribunal although notice in Form D-2 was duly served upon it, which was sent by this Tribunal through Speed Post. It is to mention here that on 12.07.2024 four persons without filing Vakalatnama submitted an application claiming themselves as the workmen of M/s Bharat Roll Industry Pvt. Ltd., Unit: II. On 12.07.2024 this Presiding Officer was absent and the Ld. Presiding Officer of Fourth Industrial Tribunal was in charge of this Tribunal on that date. This Presiding Officer on 30.07.2024 in view of the ‘Referral Order’ held that those four persons, who filed petition on 12.07.2024, as strangers to this case and thus the petition dated 12.07.2024 was rejected.

It is needless to mention here that the Industrial Dispute against M/s Bharat Roll Industry Pvt. Ltd., Unit: II was certainly raised by its workmen, who are the members of Hooghly District S.S.I. Workers Union, C/o Sri Asim Mukherjee. The ‘Referral Order’

discloses that the disputant workmen of M/s Bharat Roll Industry Pvt. Ltd., Unit: II are represented by Hooghly District S.S.I. Workers Union, C/o Sri Asim Mukherjee. Further it is needless to point out here that while some workmen raised industrial dispute against its employer and such industrial dispute has been referred to any Industrial Tribunal for adjudication of such industrial dispute, it is supposed that all such workmen would either appear in person or through their agent in the interest of adjudication of such industrial dispute and to get positive result in their favour. But unfortunately in this case the Hooghly District S.S.I. Workers Union, which is the representative (according to the referral order) of the 'Workmen' of M/s Bharat Roll Industry Pvt. Ltd., Unit: II, did not enter its appearance in this case with a view to contest the case which has been initiated by the industrial dispute raised by the workmen.

On scrutiny of the record it appears to me that on 25.09.2024 Ld. Advocate for M/s. Bharat Roll Industry Pvt. Ltd., Unit: II submitted that in fact a settlement of industrial dispute in between the management of the company and the Workmen had been effected outside this Tribunal. She on 25.09.2024 undertook to file appropriate application supported with affidavit and relevant documents to show that settlement of industrial dispute has already been effected. On 25.09.2024 this Tribunal in view of the track consignment of India Post regarding Notice in D2 Form upon Union observed that although the Notice had been delivered but the Union failed to appear and thus occasion has arisen to pass necessary order.

Today no step has been taken on behalf M/s Bharat Roll Industry Pvt. Ltd., Unit: II pursuant to the undertaking given by its Ld. Advocate.

In view of the situation, I am of the opinion that there is sufficient reasonable ground to pass No Dispute Award.

In view of the above discussion it can be said that Hooghly District S.S.I. Workers Union representative of the 'Workmen' of M/s Bharat Roll Industry Pvt. Ltd., Unit: II has lost its interest in this case and perhaps it has abandoned the matter of industrial dispute in between the workmen and the company. Thus, it is a fit case to be dealt with as per Rule 22 of the West Bengal Industrial Dispute Rules, 1958 since the industrial dispute has ceased to exist. In view of the situation it is pertinent to mention that there is no necessity to make discussion on the Issues, so framed in the 'Referral Order' since this Tribunal has got no scope to adjudicate the industrial dispute on merit. Accordingly, Issues are disposed of.

Accordingly, in terms of the Rule 22 of the West Bengal Industrial Disputes Rule, 1958 as amended till date, this Tribunal holds that the instant Industrial Dispute being Case No. 23/2024/10 instituted on 09.04.2024 is no longer in existence between the parties.

The aforesaid constitutes the No Dispute Award passed by this Tribunal in the instant Case No. 23/2024/1, which stands disposed of forthwith.

In view of letter No. Labr./944(3)/(LC-IR)/22016/7/2024 dated 13.09.2024 of the Assistant Secretary, Labour Department, I.R. Branch, Government of West Bengal, New Secretariat Buildings, 12th Floor, the PDF copy of the Award be sent to the Labour Department, Government of West Bengal through e-mail ID(wblabourcourt@gmail.com) for information.

Dictated & corrected by me

Judge

Judge
3rd Industrial Tribunal
Kolkata
20-11-2024