

Before The Learned Fourth Industrial Tribunal, West Bengal

Present: Shri Nandan Deb Barman, Judge, Fourth Industrial Tribunal.

**CASE NO.31/2014 u/s. 10(2A)**

Shri Ram Sagar Singh, represented by Co-operative Societies Buildings  
Employees' Union, 68/1, Shri Gopal Mallick Lane, Kolkata-700012.  
.....Applicant

-VS-

M/s. Shakespeare Sarani Co-operative Housing Society Ltd.,  
Kusum Apartments, 11, Gurusaday Road, Kolkata-700019.

.....Opposite Party

**A W A R D**

**Dated :11-12-2024.**

Upon receipt of an order of reference U/s. 10(2A) of Industrial Disputes Act, 1947 vide Reference Number 273/IR IR/IIL-71/96, dated 07.04.2004 as amended, from the Appropriate Government i.e. Labour Department, Government of West Bengal this case was been initiated from 11.05.2004 to adjudicate an Industrial Dispute in between workman Shri Ram Sagar Singh, represented by Co-operative Societies Buildings Employees' Union, 68/1, Shri Gopal Mallick Lane, Kolkata-700012 and the employer M/s. Shakespeare Sarani Co-operative Housing Society Ltd., Kusum Apartments, 11, Gurusaday Road, Kolkata-700019.

According to the aforesaid Order of Reference two issues have to be adjudicated by this Industrial Tribunal, which are as follows:-

**I S S U E S**

(i) Whether the termination of service of Shri Ram Sagar Singh by the management of Shakespeare Sarani Co-operative Housing Society Limited vide their letter dated 12.11.2001 with immediate effect is justified?

(ii) What relief, if any, is the workman concerned entitled to?

To have an adjudication over the said two issues both the aforesaid two parties appeared before this Industrial Tribunal and in order to proceed with the case have submitted their respective Written Statements and thereafter a prolonged hearing was conducted by taking evidences from both the parties to determine a 'Preliminary Issue', wherein and whereby it was established that the applicant workman is a permanent workman and the O.P. Society is an Industry. That order was passed on 27.02.2015 and thereafter the O.P. Society preferred a Writ Application vide W.P.No. 10931(W) of 2015 before the Hon'ble High Court at Calcutta and accordingly this case could not be proceeded with for effective adjudication over the aforesaid two issues. Record goes to show that due to absence of either party to this case without taking steps for years together when show cause notices were issued to both the parties to answer, "as to why necessary order shall not be passed due to their absence without taking any steps", none appeared to respond such show cause notice by taking any steps. So, dates after

date were posted for further order awaiting information about the present status in connection with the aforesaid Writ Petition, but no step was taken by either side and no such information received from the Hon'ble Court or from any such parties of this case. However, on suo moto searching about the fate of the said Writ Petition No. 10931(W) of 2015, it was observed that lastly on 20.09.2019 an order was passed by the Hon'ble Court, from which it appears that the Writ Petition was "Dismissed for Default" but upon hearing of an application for restoration an order passed, giving an opportunity to condone the delay and to restore the Writ Petition to its original file and Number, subject to payment of cost and filing an Affidavit on compliance by November 4, 2019. There is nothing in record to show that the said order of the Hon'ble High Court was at all complied with by the concerned party or the said Writ Petition has been restored on payment of cost.

Both the parties were repeatedly ordered and notices were issued calling upon them to appear on the next date and to submit any information regarding the present status of the said Writ Petition or their any intention or necessity to proceed with case but neither they appeared nor they gave any information regarding the present status of Writ Petition and also regarding their intention and necessity to proceed with this case. Till date no such information is received from the Hon'ble High Court regarding status of the Writ Petition, whether it was restored at all in view of the said order dated 20.09.2019. Several orders were passed giving opportunities to the workman and to the O.P. Society to disclose the overall status in respect of the said Writ Petition before passing further order in connection with this case, even on 19.07.2024 a caution was also given to the parties that considering such facts and circumstances arising out of non appearance of the parties to this case necessary order will be passed on the next date i.e. today. Again both the parties are remain absent without any taking any steps. So, considering their conduct and non appearance for years together without taking any steps there is no other alternative but to hold that the workman is not at all interested to proceed with the said adjudication further. Thus, this Tribunal holds that no industrial dispute exists by and between the parties. Hence, 'No Dispute' Award be passed on the footings that industrial dispute under Rule 22 of West Bengal Industrial Disputes Rules, 1958 is no longer in existence.

Hence, it is,

Ordered

that the application u/s. 10(2A) of the Industrial Disputes Act, 1947 be and the same is **dismissed for non-prosecution.**

This is my AWARD.

Let a copy of this order be sent on line in PDF form to the Secretary, Labour Department, Government of West Bengal, N.S. Buildings through the dedicated e-mail for information and doing subsequent action as per provision of law.

Dictated & Corrected by me,

**Sd/-**  
Judge,

**Sd/-**  
Judge,  
Fourth Industrial Tribunal,  
11.12.2024



I/591457/2024

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

N. S. Building, 12<sup>th</sup> Floor, 1, K. S. Roy Road, Kolkata – 700001

No. Labr/ 1296 / (LC-IR)/22015(16)/91/2024

Date : 31/12/2024

**ORDER**

WHEREAS an industrial dispute existed between M/s. Shakespeare Sarani Co-operative Housing Society Ltd., Kusum Apartments, 11, Gurusaday Road, Kolkata-700019 and their workman Shri Ram Sagar Singh, represented by Co-operative Societies Buildings Employees' Union, 68/1, Shri Gopal Mallick Lane, Kolkata-700012, regarding the issues, being a matter specified in the second schedule to the Industrial Dispute Act, 1947 (14 of 1947);


AND WHEREAS the 4<sup>th</sup> Industrial Tribunal, Kolkata has submitted to the State Government its Award dated 11.12.2024 in Case No. 31/2014 on the said Industrial Dispute vide e-mail dated 16.12.2024 in compliance of u/s 10(2A) of the I.D. Act, 1947.

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/ 1296 /1(6)/(LC-IR)/ 22015(16)/91/2024

Date : 31/12/2024

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

1. M/s. Shakespeare Sarani Co-operative Housing Society Ltd., Kusum Apartments, 11, Gurusaday Road, Kolkata-700019.
2. Shri Ram Sagar Singh, represented by Co-operative Societies Buildings Employees' Union, 68/1, Shri Gopal Mallick Lane, Kolkata-700012.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The OSD & EO Labour Commissioner, W.B., New Secretariat Building, 11<sup>th</sup> 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/ 1296 /2(3)/(LC-IR)/ 22015(16)/91/2024

Date : 31/12/2024

Copy forwarded for information to :-

1. The Judge, 4<sup>th</sup> Industrial Tribunal, N. S. Building, 2<sup>nd</sup> Floor, 1, K.S. Roy Road, Kolkata - 700001 with respect to his e-mail dated 16.12.2024.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.
3. Office Copy.

  
Assistant Secretary

