

I/483691/2024

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

No. Labr/.139 / (LC-IR)/22015(16)/22/2022

Date: 09-02-2024

ORDER

WHEREAS an industrial dispute existed between M/s. K.N.D. Engineering Technologies Limited & Anr., Corporate Office: 7A, Hospital Street, 2nd Floor, Kolkata - 700072 and workman Sri Tanumay Roy, C/o. Ashim Kr. Chatterjee, 91/A, Alipur Road, Kolkata - 700027 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 30/01/2024 in Case No. 31 of 2018 u/s 2A (2) on the said Dispute vide memo no. Dte/7th I.T./019/2024 dated 06/02/2024.

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,

Sdt
Assistant Secretary
to the Government of West Bengal

I/483691/2024

(2)

No Labr/¹³⁹...../1(2) - IRDated ⁰⁹⁻⁰²⁻.....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./019/2024 dated 06/02/2024.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

Assistant Secretary

No. Labr/¹³⁹...../2(5) - IRDated ⁰⁹⁻⁰²⁻.....2024

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

1. M/s. K.N.D. Engineering Technologies Limited & Anr., Corporate Office: 7A, Hospital Street, 2nd Floor, Kolkata - 700072.
2. Sri Tanumay Roy, C/o. Ashim Kr. Chatterjee, 91/A, Alipur Road, Kolkata - 700027.
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. 31 of 2018

Under Section 2A(2) of The Industrial Disputes Act, 1947

Tanumay Roy C/o Ashim Kr. Chatterjee,
91/A, Alipur Road, Kolkata – 700 027Applicant

-VS-

M/s. K.N.D. Engineering Technologies Limited & Anr.,
Corporate Office : 7A, Hospital Street, 2nd Floor, Kolkata – 700 072.
..... Opposite Party

A W A R D

Dated 30.01.2024

Applicant Tanumay Roy is absent without steps.

O.P. /Company is absent.

Today is fixed for passing no dispute award.

Case record is taken up for passing no dispute award.

This case has been filed by the applicant/workman Tanumay Roy under Section 2A(2) of the Industrial Disputes Act, 1947 against his employer M/s. K.N.D. Engineering Technologies Limited 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.

Perused the case record wherefrom it appears that as the applicant is not appearing before this Tribunal since 14.09.2021. In view of order dated 09.06.2022 notice was issued upon the applicant asking him to appear personally before this Tribunal on 27.07.2022 and file show cause as to why no dispute award shall not be passed in the instant case. Thereafter, fresh notice was issued upon the applicant on 12.06.2023 asking him to appear

Contd.....P/2



30/01/24
Judge
Seventh Industrial Tribunal

(2)

before this Tribunal on 04.08.2023 and file show cause as to why no dispute award should not be passed in the instant case. Thereafter, further notice was sent to the applicant in view of the order dated 26.09.2023 fixing 07.11.2023 for appearance and filing show cause as to why no dispute award shall not be passed in the instant case. Again a further notice was sent to the applicant on 07.11.2023 fixing 27.12.2023 for appearance and filing show cause as to why no dispute award shall not be passed in the instant case. On 27.12.2023 though the applicant was not present, but his Ld. Advocate was present and submitted that the case/dispute has been settled between the parties and prayed to pass no dispute award.

Considering the 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. 31 of 2018 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
30.012024
Judge
Seventh Industrial Tribunal