

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

No. Labr/ 200 /(LC-IR)/ 22015(15)/3/2024

Date : 12/2/25


ORDER

WHEREAS an industrial dispute existed between M/s. A.H.W. Steels Ltd., 2, Iswar Chatterjee Road, P.O. Sodepur, Dist. - North 24-Parganas and their workman Ram Krit Singh, Gokul Nagar, P.O. & Vill. Panihati, Dist. – North 24-Parganas, regarding the issues, being a matter specified in the second schedule to the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the 3rd Industrial Tribunal, Kolkata has submitted to the State Government its Award dated 30.01.2025 in Case No. 01/2005 on the said Industrial Dispute Vide e-mail dated 04.02.2025 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 in the Labour Department's official website i.e **wblabour.gov.in**

By order of the Governor,



Assistant Secretary
to the Government of West Bengal

No. Labr/ 200 /1(5)/(LC-IR)/ 22015(15)/3/2024

Date : 12/2/25

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

1. M/S. A.H.W. Steels Ltd., 2, Iswar Chatterjee Road, P.O. Sodepur, Dist. - North 24-Parganas.
2. Ram Krit Singh, Gokul Nagar, P.O. & Vill. Panihati, Dist. – North 24-Parganas.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The OSD & EO 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/ 200 /2(3)/(LC-IR)/ 22015(15)/3/2024

Date : 12/2/25

Copy forwarded for information to :-

1. The Judge, 3rd Industrial Tribunal, N. S. Building, 1, K.S. Roy Road, Kolkata - 700001 with respect to his e-mail dated 04.02.2025.
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. : 01/2005; u/s. 33A of the I.D. Act, 1947

A W A R D

Dated : 30.01.2025

Ram Krit Singh
Gokul Nagar, P.O. & Vill. Panihati,
Dist. – North 24-Parganas. ... Applicant

Versus

M/s. A.H.W. Steels Ltd.
2, Iswar Chatterjee Road,
P.O. Sodepur, Dist. - North 24-Parganas. ... Opposite Party

This is a case u/s. 33A of the Industrial Dispute Act, 1947. The instant case was filed before this Tribunal on 08.07.2005.

The instant case had been started on the basis of an application u/s. 33A of the Industrial Disputes Act, 1947 filed by one Ram Krit Singh, workman employed under M/s. A.H.W. Steels Ltd. who was subsequently dismissed by his employer i.e. the said 'Company'. The application u/s. 33A of the Industrial Disputes Act, 1947 was filed alleging that the workman Ram Krit Singh was terminated from his service by way of dismissal vide Company's letter dated 27.12.2004 during pendency of industrial dispute referred to this Tribunal by the Appropriate Government vide G.O. No.230-I/R dated 10.02.1999 which was registered as Case No.VIII-41/1999 and thus contravention of the provision of Section 33(3)(b) and/or Section 33(2)(b) of the Industrial Disputes Act, 1947 took place. It is stated in the application u/s. 33A of the Industrial Disputes Act, 1947 that the petitioner Ram Krit Singh was the Assistant Secretary of Agarwal Hardware Works Workers' Union at the time when the industrial dispute was raised and referred (vide G.O. No.230-I/R dated 10.02.1999) to this Tribunal for adjudication of the industrial dispute and the petitioner Ram Krit Singh remained the Assistant Secretary of Agarwal Hardware Works Workers' Union at the time of filing the application u/s. 33A of the Industrial Disputes Act, 1947. It has been claimed that workman Ram Krit Singh being the Assistant Secretary of Agarwal Hardware Works Workers' Union was under the category of 'protected workman' since the 'Union' informed the 'Company' by letters that Ram Krit Singh was the Assistant Secretary of the 'Union'. It has been stated that the 'Company' did not acknowledge the receipt of those letters by which the 'Union' appealed to the 'Company' to recognize Sri Ram Krit Singh as protected workman. Since the 'Company' did not recognize Sri Ram Krit Singh as the protected workman, the 'Union' had sent the copies of those letters to the Deputy Labour Commissioner, Barrackpore, Government of West Bengal for information. It has been stated that since the petitioner Ram Krit Singh took leading role in the activities of the 'Union' being its Assistant Secretary, the OP/Company as well as industrial dispute was raised against the

‘Company’ by the ‘Union’, the ‘Company’ had started to victimize the leading workmen belonging to the ‘Union’ by adopting unfair labour practices and the ‘Company’ levelled the charge of misconduct against them on lame excuse and also forced them to tender resignation under threat and/or putting them under starvation by way of non-payment of subsistence allowance on various pretext. It has been stated that the petitioner/workman was terminated from his service by way of dismissal by letter dated 27.12.2004 and prior to that the said petitioner/workman was charge-sheeted and suspended on 12.09.2002 although the ‘Company’ did not grant subsistence allowance to him according to the provision of West Bengal Subsistence Allowance Act. It has been stated that prior to terminating the petitioner/workman Ram Krit Singh from his service by way of dismissal, the OP/Company did not file application u/s. 33(2)(b) & u/s. 33(3)(b) of the Industrial Disputes Act, 1947 before this Tribunal seeking permission to dismiss him. It has been stated that the OP/Company also did not offer or pay one month’s salary to the petitioner in terms of Section 33(2)(b) of the Industrial Disputes Act, 1947, which is a statutory precondition required to be observed by the ‘Employer’ in such a situation. The petitioner/applicant Ram Krit Singh by his application u/s. 33A of the Industrial Disputes Act, 1947 has prayed for an Award “*declaring him to be in service of the ‘Company’ in his substantive post without any break along with full back wages and other consequential benefits as if no action was taken against him by the Company*”.

The OP/Company i.e. M/s. A.H.W. Steels Ltd. has contested this case by filing Written Statement. The OP/Company by its Written Statement has denied all the material allegations levelled against it by the applicant/workman. It is seen that the OP/Company has apportioned its Written Statement in two parts i.e. Part-I and Part-II. In the Written Statement the OP/Company has claimed that the instant case is not maintainable in the eye of the law i.e. the OP/Company raised its objection pointing out the maintainability of the application filed u/s. 33A of the Industrial Disputes Act, 1947. The OP/Company raised objection relating to jurisdictional aspect and the OP/Company has prayed to hear the maintainability point at first before going into the merit of this case. The OP/Company by its Written Statement has pointed out that an application u/s. 33A of the Industrial Disputes Act, 1947 comes to play whenever any industrial dispute is pending for adjudication before a Tribunal or Labour Court and if during the pendency of such industrial dispute the employer terminates or dismisses the employee connected with the said industrial dispute which was either filed before the Industrial Tribunal by the party concerned or if the Appropriate Government referred any such industrial dispute by way of Reference for adjudication. The crux of the law point is that such industrial dispute has not yet reached its finality and the same is pending for adjudication. It has been pointed out in the Written Statement that the main Reference by the Appropriate Government was made to the Industrial Tribunal on 10.02.2019 and the Third Industrial Tribunal passed the Award on 10.09.1999 and such Award was published by the Government of West Bengal on 07.10.1999. It has been claimed that whenever in an industrial dispute the Industrial Tribunal passes the Award after adjudicating the industrial dispute and such Award is published by the Appropriate Government, according to the settled position of law the Industrial Tribunal becomes *functus Officio* after 30 days from the date of publication of the Award. It has been claimed that this Industrial Tribunal became *functus officio* in respect of the referred industrial dispute being Case No.VIII-41/1999 on and from 07.11.1999. It has been stated that the claim of the applicant/workman Ram Krit Singh regarding the nature of the Award dated 10.09.1999 is ‘part Award’ is a clear misconception of law as well as the misconstruction of the provision of the Industrial Disputes Act, 1947. It has been stated that the then Learned Third Industrial Tribunal at

the concluding part of the Award wrote '*This is my award. The award be sent to the Government of West Bengal*' and the 'Union' i.e. Agarwal Hardware Workers' Union challenging the said 'Award' filed a writ petition before the Hon'ble High Court, Calcutta but subsequently the 'Union' withdrew the said writ petition at their own volition. It has been pointed out that since the 'Union' had withdrawn the writ petition according to its own whim, it can be safely said that the said 'Award' dated 10.09.1999 and the particular portion of the said 'Award' remained unassailed as well as unchallenged and uncontroverted. It has been stated that actually since there was no pending industrial dispute by way of Reference or by way of filing before the Industrial Tribunal, there was no scope left to the applicant/workman Ram Krit Singh to file an application u/s. 33A of the Industrial Disputes Act, 1947. It has been claimed that the applicant/workman Ram Krit Singh was not a protected workman under the appropriate provision of the Industrial Disputes Act, 1947. It has been pointed out that the procedure of declaring protected workmen is laid down in Rule 71 of the West Bengal Industrial Dispute Rules, 1958. It has been also pointed out that according to the sub-Rule (2) of the Rule 71 the *employer subject to Section 33, sub-Section (4), recognize such workmen to be 'protected workmen' for the purpose of sub-Section (3) of the said Section and communicate to the 'Union' in writing within 15 days of the receipt of the names and address under sub-Rule (1), the list of workmen recognized as 'protected workmen'* but the applicant/workman did not produce any document to show that he was recognized as protected workman by the OP/Company. It has been pointed out that whenever a dispute arises in between the Company/Employer and the Union over the matter of recognition of workman/workmen as protected workman/workmen, the dispute is referred to the Labour Commissioner and the decision of the Labour Commissioner is final but in the instant matter the applicant/workman failed to file any such decision of the Labour Commissioner. The OP/Company by its Written Statement has claimed that the applicant/workman has failed to establish any valid ground to seek the relief and the OP/Company has prayed for holding that the application u/s. 33A of the Industrial Disputes Act, 1947 is not maintainable in the eye of the law. It has been mentioned that if the application u/s. 33A of the Industrial Disputes Act, 1947 is held as not maintainable, consequently the applicant/workman will not be entitled to reinstate in his service and there would be no order for payment of back wages along with other benefits to the applicant/workman.

During hearing on merit the applicant/workman Ram Krit Singh examined himself as PW-1 and the witness Sri Narendra Chandra Sengupta was examined as PW-2 in support of the application u/s. 33A of the Industrial Disputes Act, 1947. On the other hand, the OP/Company examined Tapas Kumar Kar Mahapatra and Sri Shibaji Roy as OPW-1 and OPW-2 respectively before this Tribunal.

It is to mention here that during evidence witnesses of both the applicant/workman and the OP/Company identified and proved various documents and accordingly various documents were marked as exhibited documents.

The documents on behalf of the applicant/workman are as follows :

1. Exbt.-1: Photocopy of Order of Reference issued by the Labour Department, Government of West Bengal (2 sheets);
2. Exbt.-2: Photocopy of letter dated 06.08.1999 written by the Secretary of the Union to the Personnel Manager of the Company;
3. Exbt.-2/a: Photocopy of the letter dated 21.05.2001 written by the workmen to the Manager (P & A) of the Company;

4. Exbt.-2/b: Photocopy of the letter dated 18.09.2002 written by the General Secretary of the Union to the Manager (P & A) of the Company;
5. Exbt.-2/c: Photocopy of the receipt dated 18.09.2002 received by the Manager (P & A) of the Company from the General Secretary of the Union;
6. Exbt.-2/d: Photocopy of the receipt dated 27.11.2002 received by the Manager (P & A) of the Company from the General Secretary of the Union;
7. Exbt.-3: Photocopy of the letter dated 27.12.2004 issued by the Managing Director of the Company to the workman Ram Krit Singh (2 sheets);
8. Exbt.-4: Photocopy of the letter dated 09.02.2005 written by Ram Krit Singh to Sri S.S. Bagaria, Managing Director of the Company with a copy to the General Secy. of the Union (8 sheets);
9. Exbt.-5: Photocopy of the letter dated 20.04.2005 written by the General Secy. Of the Union to the Managing Director of the Company (2 sheets);
10. Exbt.-6: Photocopy of Annexure-II containing the names of 33 workers;
11. Exbt.-7: Photocopy of the letter dated 18.10.2004 written by the General Secy. Of the Union to the Labour Commissioner, Government of West Bengal (6 sheets);
12. Exbt.-8: Photocopy of the letter dated 09.11.2003 written by the General Secy. of the Union to the Managing Director of the Company with a copy to the Dy. Labour Commissioner, Barrackpore, Government of West Bengal (7 sheets);
13. Exbt.-9: Photocopy of the letter dated 20.02.2003 written by Ram Krit Singh to Sri Sibaji Roy, Enquiry Officer on behalf of the Company with a copy to the Works Manager (2 sheets);
14. Exbt.-9/a: Photocopy of the letter dated 20.02.2003 written by Ram Krit Singh to the Works Manager of the Company with a copy to the Enquiry Officer of the Company;
15. Exbt.-9/b: Photocopy of the letter dated 09.02.2003 written by Ram Krit Singh to the Works Manager (2 sheets);
16. Exbt.-9/c: Photocopy of the letter dated 20.04.2003 written by Ram Krit Singh to Sibaji Roy, Enquiry Officer with a copy to the Works Manager of the Company (4 sheets);
17. Exbt.-9/d: Photocopy of the letter dated 22.04.2003 written by Ram Krit Singh to Sibaji Roy, Enquiry Officer of the Company (2 sheets);
18. Exbt.-9/e: Photocopy of the letter dated 26.06.2003 written by Ram Krit Singh to Sibaji Roy, Enquiry Officer of the Company with a copy to the Works Manager of the Company (2 sheets).

The documents on behalf of the OP/Company are as follows :-

1. Exbt.-A: Photocopy of the letter dated 22.04.2003 issued by the Works Manager of the Company to Ram Krit Singh;
2. Exbt.-A/1: Photocopy of the letter dated 14.06.2003 issued by the Enquiry Officer to Ram Krit Singh (2 sheets);
3. Exbt.-A/2: Photocopy of the letter dated 12.02.2003 issued by the Enquiry Officer to Ram Krit Singh;
4. Exbt.-A/3: Photocopy of the letter dated 27.12.2004 issued by the Managing Director of the Company to Ram Krit Singh (2 sheets);
5. Exbt.-B: Photocopy of the Award dated 10.09.1999 passed by the Learned Judge, Third Industrial Tribunal (3 sheets);
6. Exbt.-B/1: Photocopy of the publication order of the Labour Department, Government of West Bengal;

7. Exbt.-C: Photocopy of the Order of Reference issued by the Labour Department, Government of West Bengal (2 sheets);
8. Exbt.-D: Photocopy of the enquiry proceedings against Ram Krit Singh (11 sheets);
9. Exbt.-E: Photocopy of the Enquiry Report dated 03.07.2003 (6 sheets);
10. Exbt.-F: Photocopy of the letter dated 28.01.2003 issued by the Works Manager of the Company to Ram Krit Singh.

During argument stage Ld. Advocate for the OP/Company filed two consecutive written notes of arguments but none was appeared to make argument on behalf of the applicant/workman Ram Krit Singh.

It is to mention here that on 24.12.2024 Ld. Advocate for the OP/Company filed a petition with the prayer to keep the disposed off record of the Case No.VIII-41/1999 along with this case record and to consider the Award dated 30.10.2024 passed in connection with the Case No.VIII-41/1999 at the time of considering the contention of written notes of argument submitted by the OP/Company on 24.12.2024.

Upon perusal of the written notes of argument dated 24.12.2024 filed on behalf of the OP/Company it is seen that the Ld. Advocate for the OP/Company has contended that the Application u/s. 33A of the Industrial Disputes Act, 1947 had arisen out of the main Reference vide G.O. No.230-I.R. dated 10.02.1999, registered as Case No.VIII-41/1999, but this Tribunal by its Award dated 30.10.2024 held that the 'industrial dispute' relating to G.O. No.230-I.R. dated 10.02.1999 is no longer in existence between M/s. A.H.W. Steels Ltd. and Agarwal Hardware Workers' Union and accordingly No Dispute Award was passed.

Decisions with reasons

In view of the application u/s. 33A of the Industrial Disputes Act, 1947 filed by Sri Ram Krit Singh who claimed that he was a workman under M/s. A.H.W. Steels Ltd. and subsequently he was terminated from his service by way of dismissal vide letter dated 27.12.2004 of the OP/Company although he was charge-sheeted and suspended by the OP/Company on 12.09.2002. In the said application u/s. 33A of the Industrial Disputes Act, 1947 the applicant/workman has claimed that the OP/Company has contravened the provision of Section 33(3)(b) and/or Section 33(2)(b) of the Industrial Disputes Act, 1947 since the OP/Company terminated him by way of dismissal vide letter dated 27.12.2004 during pendency of the industrial dispute referred to this Tribunal vide G.O. No.230-I.R. dated 10.02.1999, which was registered as Case No.VIII-41/1999. The applicant has pleaded that he was the Assistant Secretary of Agarwal Hardware Works Workers' Union while the industrial dispute was referred to this Tribunal as well as he remained in the said post of the 'Union' while the application u/s. 33A of the Industrial Disputes Act, 1947 was filed before this Tribunal. The applicant/workman has claimed that he was a protected workman by virtue of his post of Assistant Secretary of Agarwal Hardware Works Workers' Union and he had to fetch the ire of the Management of the 'Company' since he took leading role in the activities of the 'Union' as its Assistant Secretary and in the result the OP/Company adopted unfair labour practices in respect of him and stopped to make payment of subsistence allowance to him. The applicant/workman has also claimed that at first the OP/Company suspended him on 12.09.2002 and thereafter terminated him from his service by serving the letter dated

27.12.2004 to him. The applicant/workman has claimed that the OP/Company has grossly violated the provision of Sections 33(3)(b) and 33(2)(b) of the Industrial Disputes Act, 1947 as the OP/Company terminated his service by way of dismissal by letter dated 27.12.2004. Moreover, the OP/Company did not make payment of one month's salary to him and ignored that he was a protected workman by the dint of his post of Assistant Secretary of Assistant Secretary of Agarwal Hardware Works Workers' Union.

In this case, Ld. Advocate for the OP/Company submitted written notes of argument whereas no step was taken on behalf of the applicant/workman in this regard.

Now, it has become clear that industrial dispute referred to this Industrial Tribunal by the Order of Reference bearing No.230-I.R. dated 10.02.1999 by the Appropriate Government, which was registered as Case No.VIII-41/1999 is the main or principal case in between M/s. A.H.W. Steels Ltd. and Agarwal Hardware Works Workers' Union (Union No.2) and other Unions. On perusal of the record of Case No.VIII-41/1999 it appears to me that the then Learned Presiding Officer of this Tribunal passed the Award of the said industrial dispute on 10.09.1999. After going through the Award dated 10.09.1999 passed in connection with the Case No.VIII-41/1999 it appears to me that the said Award was passed on the basis of settlement of dispute in between five separate workmen's Unions except Agarwal Hardware Works Workers' Union. It is seen that at the concluding portion of the Award the then Learned Presiding Officer noted '*This is my award. The award be sent to the Government of West Bengal*'. It is seen from the record that Agarwal Hardware Works Workers' Union filed writ petition No.13363(W) of 2021 before the Hon'ble High Court, Calcutta praying for review of the partial award passed by this Tribunal. On 10.09.2021 the Hon'ble High Court, Calcutta passed an order to the effect that the proceedings shall continue but no final order shall be passed till twelve weeks from date. It further appears that on 21.12.2017 the Hon'ble High Court, Calcutta dismissed the writ petition as not pressed. It further appears from the order dated 21.11.2017 of the writ petition No.W.P. 13367(W) of 2001 that – '*Mr. Pal, the learned advocate appears for Mrs. Sharmila Das, the learned advocate-on-record for the petitioner. He submits that the petitioner does not wish to proceed with the writ petition any further.*' So, it is clear that the Agarwal Hardware Works Workers' Union voluntarily decided not to proceed with the writ petition and thus the said writ petition was dismissed as not pressed. Such order of the Hon'ble High Court, Calcutta makes it clear that the 'Union' although claimed the Award dated 10.09.1999 as 'partial award' yet it voluntarily gave up the matter of challenging the said award dated 10.09.1999 passed in connection with Case No.VIII-41/1999.

In view of such fact of dismissal of the writ petition No.W.P. 13367(W) of 2001 being not pressed, it can be said that the said 'Union' had no grievance against the Award dated 10.09.1999 passed by the then Presiding Officer of Third Industrial Tribunal. In view of Exbt.-B/1 it is found that the said Award dated 10.09.1999 was published on 07.10.1999. According to the Section 17A of the Industrial Disputes Act, 1947 – '*An award (including an arbitration award) shall become enforceable on the expiry of thirty days from the date of its publication under section 17;*' Thus, according to the settled position of the law, the Industrial Tribunal becomes *functus officio* after thirty days from the date of publication of the Award.

In the matter in between Vivek Salvi and Second Industrial Tribunal, West Bengal and others in connection with Civil Rule No.1411(W) of 1981, dated 17 July 1981, the Hon'ble High Court, Calcutta has been pleased to observe – '*In my view, the contentions of the learned counsel of respondent 4 that after expiry of thirty days from*

the date of publication of the award, the Tribunal becomes functus officio and the application for review is also barred by the West Bengal Industrial Disputes Rules, are justified and I am inclined to accept the same. If the publication was made on 25 June 1980, as appears from the order, then the Tribunal, in any event, became functus officio after the expiry of thirty days from the date of publication of the award and, therefore, it had no jurisdiction to entertain the said application for review."

So, it can be safely said that this Tribunal became *functus officio* on and from 07.11.1999. It is seen that the instant application u/s. 33A of the Industrial Disputes Act, 1947 was filed before this Tribunal on 08.07.2005 in relation to the disposed of case bearing No.VIII-41/1999 although this Industrial Tribunal became *functus officio* relating to the case bearing No.VIII-41/1999.

In this perspective, it is worth mentioning that this Tribunal passed a No Dispute Award on 30.10.2024 over the '*apportioned industrial dispute*' out of the original Industrial Dispute referred to this Industrial Tribunal by Order No.230-I.R. dated 10.02.1999 by the Labour Department, I.R. Branch, Government of West Bengal. It is relevant to point out that the Agarwal Hardware Works Workers' Union started to drag out the industrial dispute (referred to this Industrial Tribunal by Order No.230-I.R. dated 10.02.1999 of the Labour Department, I.R. Branch, Government of West Bengal) by way of apportioning the portion of the Agarwal Hardware Works Workers' Union from the original Industrial Dispute taking the opportunity of the written remark / written version to the effect '*hence the reference be allowed partly*' contained in the Award dated 10.09.1999 passed in connection with the Case No.VIII-41/1999. The said No Dispute Award was passed in the matter of '*apportioned industrial dispute*' in relation to the Case No.VIII-41/1999 on the backdrop of the fact that one Sukhendu Goswami pretending himself as the Vice President of Agarwal Hardware Works Workers' Union filed Vakalatnama in connection with Case No.VIII-41/1999 and subsequently at a crucial point in the proceedings he failed to clarify and establish satisfactorily before this Tribunal that he had *locus standi*/right to execute Vakalatnama as an authorised representative (so called Vice President) of the Agarwal Hardware Works Workers' Union as well as such 'Union' had legal existence and valid 'registration' at that time when he submitted Vakalatnama i.e. on 09.08.2019. Moreover, it was observed that the said so called Vice President had no *locus standi* to represent the 'Union' and also the Agarwal Hardware Works Workers' Union itself failed to establish its *locus standi* to represent any workman of M/s. A.H.W. Steels Ltd. in the said '*apportioned industrial dispute*' out of the original industrial dispute referred to this Industrial Tribunal by Order No.230-I.R. dated 10.02.1999 of the Labour Department, I.R. Branch, Government of West Bengal in which Award was passed on 10.09.1999 in terms of settlement of the industrial dispute.

Further, it can be said that the Agarwal Hardware Works Workers' Union had no dissatisfaction and objection against the Award dated 10.09.1999 in view of the fact that on the prayer of the Agarwal Hardware Works Workers' Union, the W.P. No.13367(W) of 2001 (by which the 'Union' prayed for review of the alleged 'partial award' dated 10.09.1999) was dismissed.

So, from the above discussion it is evident that the application u/s. 33A of the Industrial Disputes Act, 1947 was filed by the applicant/workman Ram Krit Singh in connection with the Case No.VIII-41/1999 started on the basis of Order of Reference bearing No.230-I.R. dated 10.02.1999 of the Labour Department, I.R. Branch, Government of West Bengal, when this Tribunal became *functus officio* in respect of the

Case No.VIII-41/1999. Apart from that, it is also evident that the proceeding of 'apportioned industrial dispute' out of the main industrial dispute (referred to this Tribunal vide Order No.230-I.R. dated 10.02.1999) has been adjudicated and No Dispute Award has already been passed on 30.10.2024. In view of such facts and circumstances, it is clear that there is no existence of any kind of proceeding relating to Industrial Dispute referred to this Tribunal by the Appropriate Government by Referral Order No.230-I.R. dated 10.02.1999 of the Labour Department, I.R. Branch, Government of West Bengal.

Now, considering all such facts and circumstances and in view of the above discussion there should not be any hesitation to hold that the application u/s. 33A of the Industrial Disputes Act, 1947 was filed before this Tribunal when this Tribunal had no jurisdiction to entertain the same on the ground that this Tribunal became *functus officio* on and from 07.11.1999 i.e. after expiry of thirty days from the publication of the Award dated 10.09.1999 on 07.10.1999. Apart from that the said application u/s. 33A of the Industrial Disputes Act, 1947 received a death blow after passing of No Dispute Award on 30.10.2024.

Accordingly, it is held that the application u/s. 33A of the Industrial Disputes Act, 1947 filed by the applicant/workman Ram Krit Singh is not maintainable in view of the observation made by this Tribunal in the above as well as in the eye of the law. Consequently, the applicant/workman Ram Krit Singh is not entitled to get any relief of reinstatement in his service under M/s. A.H.W. Steels Ltd. in his substantive post without any break along with full back wages.

This is my Award.

The Award be sent to the Appropriate Government.

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

sd/-
Judge

sd/-
(Mihir Kumar Mondal)
Judge
3rd Industrial Tribunal
Kolkata
30.01.2025