

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

No. Labr/ 260 /LC-IR/ 22015(16)/14/2023

Date : 03/03/2025

ORDER

WHEREAS under Labour Department's Order No 221/(LC-IR)/22015(16)/14/2023 dated 23.03.2023 with reference to the Industrial Dispute between M/s. Indotan Chemicals Limited, Vill.-Garji, P.O.-Bighati, Dist.-Hooghly, Pin - 712124 and their workman Sri Bishnudev Mahato, Vill.-Garji, P.O.-Bighati, Dist.-Hooghly, Pin - 712124, 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 3rd Industrial Tribunal, Kolkata.

AND WHEREAS the said 3rd Industrial Tribunal, Kolkata, has submitted to the State Government its Award dated 27.02.2025 in Case No. 07/2023/10 on the said Industrial Dispute Vide e-mail dated 27.02.2025 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/ 260 /1(5)/(LC-IR)/ 22015(16)/14/2023

Date : 03/03/2025

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

1. M/s. Indotan Chemicals Limited, Vill.-Garji, P.O.-Bighati, Dist.-Hooghly, Pin – 712124.
2. Sri Bishnudev Mahato, Vill.-Garji, P.O.-Bighati, Dist.-Hooghly, Pin - 712124.
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/ 260 /2(3)/(LC-IR)/ 22015(16)/14/2023

Date : 03/03/2025

Copy forwarded for information to :

1. The Judge, 3rd Industrial Tribunal, Kolkata, N.S. Building, 1, K.S. Roy Road, Kolkata-700001 with reference to his E-mail dated 27.02.2025.
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.-07/2023/10; u/s. 10 of the I.D. Act, 1947

AWARD

Dated :27-02-2025

The Labour Department, Government of West Bengal has referred an Industrial Dispute between M/s. Indotan Chemicals Limited, Vill.-Garji, P.O.-Bighati, Dist.-Hooghly, Pin- 712124 and its workman Sri Bishnudev Mahato, Vill.-Garji, P.O.-Bighati, Dist.-Hooghly, Pin- 712124 to this Tribunal vide Order No. 221/(LC-IR)/22015(16)/14/2023 dated 23.03.2023 on the following issue(s) for adjudication:

ISSUES

- 1) Whether the refusal of employment of the workman Shri Bishnudev Mahato by the management of M/s. Indotan Chemicals Limited w.e.f. 01.04.2021 is justified?
- 2) To what relief, if any, is the workman entitled?

On receiving the 'Order of Reference' of the appropriate Government containing 'Reference of Disputes', this Tribunal on 29.03.2023 by its Order No. 1 issued Notice upon both the parties. On receiving the notice, M/s. Indotan Chemicals Limited entered its appearance through its Ld. Advocate duly appointed by executing Vakalatnama. The workman Bishnudev Mahato entered his appearance by filing Vakalatnama authorizing Ld. Advocate Debasish Sengupta to represent him in this case.

The record shows that on 26.07.2023 Ld. Advocate for M/s. Indotan Chemicals Limited submitted that there was a fair chance of settlement of the dispute. Ld. Advocate for the workman did not raise objection against such submission of the Ld. Advocate for M/s. Indotan Chemicals Limited. Subsequently, Ld. Advocates for the both sides submitted joint petition with the prayer for time to file Memorandum of Settlement. It is seen that Ld. Advocates for both the parties on consecutive dates sought adjournments on the plea that Memorandum of Settlement would be filed but ultimately the parties to this case have failed to file any Memorandum of Settlement. It is to note here that neither M/s. Indotan Chemicals Limited nor the workman Bishnudev Mahato has filed respective written statement in this case till today. The fact remains that this Tribunal has given adjournments on series of dates being led by the joint submission that Memorandum of Settlement would be filed by the parties for amicable settlement of this instant industrial dispute, but ultimately it is transpired that the parties to this case have failed to file any Memorandum of Settlement. Moreover, the parties to this case did not file their Written Statements.

On scrutiny of the record it is found that this Tribunal by its order dated 25.11.2024 directed the workman Bishnudev Mahato to show-cause as to why the instant industrial dispute would not be disposed of by passing a No Dispute Award. This

Tribunal passed the order dated 25.11.2024 with the observation that the parties to this case might not be able to reach an agreement for the amicable settlement of the industrial dispute. It was also observed that the workman Bishnudev Mahato remained absent before this Tribunal persistently and continuously. It is seen that although this Tribunal by order dated 25.11.2024 directed the workman to submit show-cause but the workman did not comply the order of this Tribunal.

It is seen that today neither the workman nor his Ld. Advocate is found present before this Tribunal. As well as Ld. Advocate for M/s. Indotan Chemicals Limited is found absent.

In view of the situation and non-complying conduct/attitude of the workman, this Tribunal thinks it fit and proper to pass a No Dispute Award today.

The conduct of the workman, as discussed above, indicates that perhaps he has lost his interest in this case and also he has abandoned the matter in dispute i.e. the industrial dispute between him and the Company and thus this is a fit case to be dealt with as per Rule 22 of the West Bengal Industrial Dispute Rules, 1958 since the industrial dispute is ceased to be existed.

Accordingly, and in terms of Rule 22 of the West Bengal Industrial Disputes Rules, 1958 as amended till date, this Tribunal holds that the instant **Industrial Dispute** being Case No. **07/2023/10** instituted on **29.03.2023** is **no longer in existence, between the parties.**

The aforesaid constitutes the **No Dispute Award** passed by this Tribunal in the instant Case No.**07/2023/10**, 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
27.02.2025