

I/498404/2024

LABR-22020/52/2018-IR SEC-Dept. of LABOUR

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

N.S. Building, 12th Floor, 1, K.S. Roy Road, Kolkata – 700001

No. Labr/ 278 / (LC-IR)/22020/52/2018

Date : 20-03-2024

ORDER

WHEREAS under reference of Labour Department's Order No. Labr./80/(LC-IR)/22020/52/2018 dated 25.01.24 the Industrial Dispute between M/s Pantaloons Stores (Aditya Birla Fashion Retail Ltd.), Sentrum Mall, Sentrum Block-A, Sen Raleigh Main Road, Shristinagar, Asansol, Dist.- Paschim Bardhaman, Pin - 713305 and its workman Mr. Baban Deghoria, Vill.- Brijbihari, P.O.- Matukboni, P.S.- Saltara, Dist.- Bankura, Pin - 722158 regarding the issue 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 Ninth Industrial Tribunal, Durgapur.

AND WHEREAS the said Ninth Industrial Tribunal, Durgapur, has submitted to the State Government its Award dated 11.03.2024 in case No. 09/2024 on the said Industrial Dispute vide Memo No. 52/I.T. dated 11.03.2024.

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,

[Signature]

Assistant Secretary

to the Government of West Bengal

No. Labr/ 278 /1(5)/(LC-IR)

Date : 20-03-2024

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

1. M/s Pantaloons Stores (Aditya Birla Fashion Retail Ltd.), Sentrum Mall, Sentrum Block-A, Sen Raleigh Main Road, Shristinagar, Asansol, Dist.- Paschim Bardhaman, Pin - 713305.
2. Shri Baban Deghoria, Vill.- Brijbihari, P.O.- Matukboni, P.S.- Saltara, Dist.- Bankura, Pin - 722158 .
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.

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No. Labr/ 278 /2(3)/(LC-IR)

Date : 20-03-2024

Copy forwarded for information to :

1. The Judge, Ninth Industrial Tribunal, Durgapur, O/o the Ninth Industrial Tribunal, 1st Administrative Building, City Centre, Durgapur - 16 with reference to his Memo No. 52/I.T. dated 11.03.24.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.
3. Office Copy.

[Signature]
Assistant Secretary

Assistant Secretary

H/A-(IT)
20/03/24

Dipankar
20/03/2024

In the matter of an Industrial dispute between M/S. Pantaloons Stores (Aditya Birla Fashion Retail Ltd.), Sentrum Mall, Sentrum Block-A, Sen Raleigh Main Road, Shristinagar, Asansol-713305, Dist- Paschim Bardhaman and its workman Mr. Baban Deghoria, Vill.- Brijbihari, P.O- Matukboni, P.S- Saltara, Dist.- Bankura-722158.

Case No. 09 / 2024, U/S 10 of the Industrial Disputes Act, 1947.



BEFORE THE 9TH INDUSTRIAL TRIBUNAL,
DURGAPUR, WEST BENGAL, KOLKATA.

PRESENT :- SHRISUJIT KUMAR MEHROTRA,
JUDGE, 9TH INDUSTRIAL TRIBUNAL,
DURGAPUR.

Ld. Advocate for the Workman: - Workman himself.

Ld. Advocate for the Employer:- Miss Tanaya Sengupta.

The award dated 11th day of March, 2024.

A W A R D

Workman is personally present and being asked by the Tribunal, whether he is interest to engage any ld. lawyer or not, he submits that he does not want to proceed with the instant case.

He further submits as per instruction of this tribunal, as given on last occasion i.e. on 22.02.2024, he had been to the office of the SDLAC, Durgapur for getting a ld. lawyer to plead his case and he was also assured by the authority concerned but subsequently, he decided not to proceed with this case and accordingly, did not make further contact with the authority concerned.

Workman also files a petition stating therein that he does not want proceed with this case and he has filed the petition voluntarily.

O.P/employer's ld. lawyer is present.

This Tribunal enquired from the workman in open court whether he has taken the decision voluntarily; he informed the Tribunal in open court that he has not taken the decision under any pressure or coercion.

On the other hand, the ld. lawyer for the O.P/employer submits that the workman voluntarily tendered his resignation and in terms of the service condition he has already been provided with the all benefits.

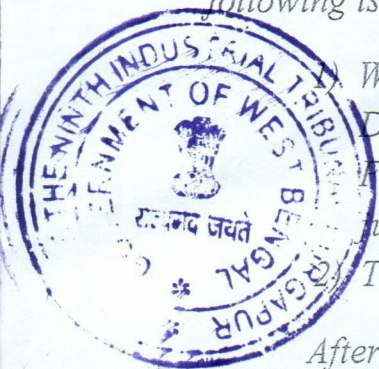
Perused the entire CR as well as the report of the concerned P.S.

Considered.

Contd...2

It transpires from the CR that the Govt. of West Bengal through its Asstt. Secretary, Labour Deptt. vide reference no. Labr./80/(LC-IR)/22020/52/2018 dated 25.01.24 referred the Industrial Disputes between the parties, as mentioned herein above, for adjudication, under the Industrial Disputes Act, 1947 (hereinafter referred to as Act of 1947) for adjudication.

The concerned Joint Secretary in exercise of the power conferred by U/S 10 of the Act, 1947 referred the industrial disputes for adjudication after framing the following issues :-



Whether the refusal of employment of the workman namely Sri Baban Deghoria by the management of M/S. Pantaloons Stores (Aditya Birla Fashion Retail Ltd.) by way of forceful resignation on 03.07.2020 is justified?

To what relief, if any, is he entitled?

After received of the aforementioned reference order this tribunal registered the instant case U/S 10 of the Act of 1947 and put both the parties to notice by speed post and in consequence thereof the workman appeared personally on 22.02.2024 and Q.P/employer through its ld. lawyer and the workman prayed for time for filing his WS and list of documents and the same was allowed and this date is fixed for filing the same.

However, having heard both sides and considering the submission of the workman, I am of the view that when the workman himself submits that he does not want to proceed any further with this case, so there exists "no industrial disputes" between the above-named workman/employee and his employer i.e. M/S. Pantaloons Stores (Aditya Birla Fashion Retail Ltd.),

Hence, it is,

Ordered

that the reference under Section 10 of the Industrial Disputes Act, 1947, is disposed of as **no dispute award** between the parties but without cost.

This is my award.

Send a copy of this award to the Additional Chief Secretary, Labour Department, Govt. of West Bengal for information and doing the needful from his end.

D / C by me,
Sd/- Sri Srijit Kumar Mehrotra,
Judge, 11.3.24.

JUDGE
NINTH INDUSTRIAL TRIBUNAL DURGAPUR
GOVT. OF WEST BENGAL

Sd/- Sri Srijit Kumar Mehrotra,
Judge, 11.3.24.

9th I.T, Durgapur
JUDGE
NINTH INDUSTRIAL TRIBUNAL DURGAPUR
GOVT. OF WEST BENGAL