

I/614213/2025

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

No. Labr/ 279 / (LC-IR)/ 22015(16)/41/2025

Date : 06/03/2025

ORDER

WHEREAS under Labour Department's Order No. Labr./172/(LC-IR)/22015(16)/13/2024 dated 19.02.2024 with reference to the Industrial Dispute between M/s. G. P. Mukherjee & Co., Chinnamasta, Burnpur Road, Asansol, Dist.- Paschim Bardhaman, Pin - 713325 and their workman Sri Amit Kumar Bouri, Gopalpur, Asansol, Dist.- Paschim Bardhaman, Pin-713304, 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 9th Industrial Tribunal, Kolkata.

AND WHEREAS the said 9th Industrial Tribunal, Kolkata, has submitted to the State Government its Award dated 05.02.2025 in Case No. 14/2024/10 on the said Industrial Dispute Vide e-mail dated 03.03.2025 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/ 279 /1(5)/(LC-IR)/ 22015(16)/41/2025

Date : 06/03/2025

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

1. M/s. G. P. Mukherjee & Co., Chinnamasta, Burnpur Road, Asansol, Dist.- Paschim Bardhaman, Pin - 713325.
2. Sri Amit Kumar Bouri, Gopalpur, Asansol, Dist.- Paschim Bardhaman, Pin-713304.
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/ 279 /2(3)/(LC-IR)/ 22015(16)/41/2025

Date : 06/03/2025

Copy forwarded for information to :

1. The Judge, 9th Industrial Tribunal, Durgapur, Paschim Bardhaman with respect to his e-mail dated 31.01.2025.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.
3. Office Copy.


Assistant Secretary

**IN THE MATTER OF INDUSTRIAL DISPUTES BETWEEN M/S
G.P.MUKHERJEE & CO. CHINNAMASTA, BURNPUR ROAD,
ASANSOL, DIST.- PASCHIM BARDHAMAN,PIN-713 325.**

VS.

**SRI AMIT KUMAR BOURI, GOPALPUR, ASANSOL, DIST.- PASCHIM
BARDHAMAN,PIN-713 304**

Case No. 14/2024/10

**BEFORE THE JUDGE, NINTH INDUSTRIAL TRIBUNAL,
DURGAPUR, WEST BENGAL. KOLKATA.**

**PRESENT:- SRI NANDADULAL KALAPAHAR, JUDGE,
9TH INDUSTRIAL TRIBUNAL, DURGAPUR.**

Ld. Lawyer for the petitioner/workman :- Mr.Subrata Jana

Ld. Lawyer for the O.P/Employer :- None.

The Award dated the 05th February, 2025

The C.R is taken up today for passing necessary order as the workman failed to take step and submit the fresh address of the employer for causing service of notice upon him on number of occasions.

Perused the C.R and considered. It is transpired from the C.R that the Govt. of West Bengal through its Asstt. Secretary, Labour Department vide Ref. No. Labr./172/(LC-IR)/22015(16)/13/2024 dated 19.02.2024 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 Asstt. Secretary in exercise of the power conferred U/S 10 of the Act, 1947 referred the industrial disputes for adjudication after framing the certain issues mentioned herein below:

*Sd/-
Judge*

- 1) *Whether the refusal of employment of the workman namely, Sri Amit Kumar Bouri by the management of M/S G.P. Mukherjee & Co., Chinnamasta, Burnpur Road, Asansol, Dist.- Paschim Bardhaman, PIN-713325 on 16.05.2022 is justified?*
- 2) *To what relief, if any, is he entitled?*

After receipt of the aforementioned reference order this tribunal was pleased to register the instant case U/S 10 of the Act, 1947 and issued notice to both the parties.

It is evident from the order no. 2 dated 14.03.2024 passed by this Industrial Tribunal, I find that pursuant to the notice issued by this tribunal the workman Sri Amit Kumar Bouri appeared before this Industrial Tribunal alongwith Vokatnama of his ld. lawyer Mr. Subrata Jana with a prayer for time for filing the written statement on the ground stated in his application. But the notice was not served to the employer M/S G.P. Mukherjee & Co., Chinnamasta, Burnpur Road, Asansol, Dist.- Paschim Bardhaman, PIN-713325 with an endorsement of the postal staff that the same could not be located. Accordingly, fresh notice was issued upon the employer as per the address furnished by the workman and the next date was fixed on 27.03.2024 for A/D of notice of the employer and appearance of workman. It is also transpired from order no. 3 dated 27.03.2024 passed by this Industrial Tribunal that workman was absent without any step. Notice was issued upon the employer but the same was returned un-served with postal remark 'insufficient address'. Accordingly, a fresh notice was further issued upon the employer at once and the case was further fixed for A/D of employer and appearance of workman on 16.04.2024. It is also found from order no.5 dated 29.10.2024 that none appears on behalf of both the parties and no step was taken on call. It is also found in the said order that notice was issued upon the O.P/employer but the same was returned and un-served with postal remark 'insufficient address' could not be located.

*Sd/
Judge*

The petitioner/workman was further directed to file fresh address of the O.P/employer for issuance of notice and the case was further fixed on 25.11.2024 for taking steps by the workman.

It is also apparent from order no.6 dated 25.11.2024 that none appears on behalf of both the parties and no step was taken on call. It was at 1.25 p.m. However, for the ends of justice, another opportunity was given to the workman for taking step and the case was further fixed on 10.12.2024 for taking step by the workman as a last chance.

It is evident from order no.7 dated 10.12.2024 that the workman files hazira but no fresh address of the employer was filed on that day before this Tribunal. Consequently, another opportunity was given to the workman as special chance and the case was fixed on 09.01.2025 for filing fresh address of the employer/O.P. by the workman as special chance in default necessary order shall be passed.

It is also evident from order no. 8 dated 29.01.2025 // 13.01.2025 that P.O was on leave on 09.01.2025 and the C.R was put up for order on 13.01.2025 fixed on 29.01.2025 for filing fresh address of the employer/O.P by the workman as special chance in default necessary order shall be passed.

It is also evident from order no.09 dated 29.01.2025 that both the parties were absent without any step and it was now at 1.10 p.m. Both the parties were not interested to proceed with this case. So, an appropriate award may be passed.

Having regard to the above facts and circumstances of this case, I am of the considered view that the workman does not want to proceed further of the instant case as he has failed to supply the proper address of his employer for causing the service notice upon him on a number of occasions. Therefore, it is held that there exists no industrial disputes in between the above named workman and M/S G.P. Mukherjee & Co.

*Sd/-
Judge*

Hence, it is

O r d e r e d

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

This is my award.

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

Thus, this case stands disposed of.

D/C by me

Sd/-

Judge

sd/-

(Nandadulal Kalapahar)

Judge, 9th Industrial Tribunal,

Durgapur.

05-02-2025