

I/613204/2025

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

No. Labr/ 280 /(LC-IR)/ 22015(16)/40/2025

Date : 06/03/2025


**ORDER**

WHEREAS an industrial dispute existed between M/s Standard Carriers, 12A, Netaji Subhas Road, Kolkata-700020 and their workman Shyam Narayan Gupta, 45, Sarat Bose Road, Kolkata 700020, regarding the issues, being a matter specified in the second schedule to the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the 2<sup>nd</sup> Labour Court, Kolkata has submitted to the State Government its Award dated 27.02.2025 in Case No. 54/2003 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/ 280 /1(5)/(LC-IR)/ 22015(16)/40/2025

Date : 06/03/2025

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

1. M/S. Standard Carriers, 12A, Netaji Subhas Road, Kolkata-700020.
2. Shyam Narayan Gupta, 45, Sarat Bose Road, Kolkata 700020.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The OSD & EO Labour Commissioner, W.B., New Secretariat Building, 11<sup>th</sup> 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/ 280 /2(3)/(LC-IR)/ 22015(16)/40/2025

Date : 06/03/2025

Copy forwarded for information to :-

1. The Judge, 2<sup>nd</sup> Labour Court, N. S. Building, 1, K.S. Roy Road, Kolkata - 700001 with respect to his e-mail dated 03.03.2025.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.
3. Office Copy.

  
Assistant Secretary



THE SECOND LABOUR COURT, KOLKATA.

IN THE MATTER OF

AN APPLICATION NO. 54/2003 UNDER SECTION 10(1B)(D) OF THE INDUSTRIAL DISPUTES ACT, 1947

SHYAM NARAYAN GUPTA  
45, SARAT BOSE ROAD,  
Kolkata- 700020  
VERSUS

M/S. STANDARD CARRIERS,  
12A, NETAJI SUBHAS ROAD  
KOLKATA -700020

PRESENT : SREEJITA CHATTERJEE

JO CODE : WB001252

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Appearance

MR/MRS. GOPI KANTA DUTTA, LD. Advocate for the Applicant

MR/MRS. SUBRATA CHAKRABORTY, LD. Advocate for the Opposite Party.

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DATE OF AWARD; 27. 02. 2025

1) EXORDIUM

This is an application Under Section 10 (1B)(d) of Industrial Dispute Act, 1947.

The present case is set to motion by an application of the workman in the above captioned industrial dispute case, seeking reinstatement along with back wages on alleged illegal termination in service.

Applicant by representation dated 18/12/2003 raised an industrial dispute relating to illegal termination, in terms of Section 10(1B)(d), as amended, with respect to the State of West Bengal vice Act No. 33 of 1989. The said industrial dispute was referred to the conciliation officer, who initiated conciliation proceedings. However, the said proceedings did not see any chances of settlement within sixty days from raising of the dispute in consequence thereof, conciliation officer issued certificate about pendency of the conciliation proceedings and thus this case.

2) JURISDICTION

The matter in issue relates to "Discharge or dismissal of a workman including reinstatement of or grant of relief to workman wrongfully dismissed and covered in the Second Schedule to the Act and well within the cognizance of this Court.

3) LIMITATION

The Conciliation having failed the certificate of the conciliation officer was issued on 11.12.2003 and the present cause was initiated on 18/12/2003 and well within limitation in terms of Section 10 (1B)(d).





#### 4) FACTUAL MATRIX

The facts leading to the case suggest that OP M/s. Standard Carrier Ltd. being registered under Indian Company's Act) is a Public Ltd Company, operating with workmen including Skilled, Semi-skilled, Un-skilled, Supervisory, Clerical and other categories.

The applicant was appointed as a driver and first joined his service about 08.01.1992 and worked until 17.01.1992 in the aforesaid company. He was then engaged on 22.04.92 in the said company and working continuously. He was made permanent on 01.04.1993 in the present standard carriers Company. The workman went on leave 19.11.2001 to visit his native place but he could not return on the expiry of the said period as he had fallen sick. The workman rushed to Calcutta even when he was not fully well. On 29.01.2002 the workman joined his duties but the employer did not follow him to join. No charge sheet, show cause letter, or suspension order was issued against him.

The workman petitioner vide the letter dated 28.07.2003 duly informed the matter to the Labour Commissioner, In spite of receiving the said letter, they failed to take any steps on the plea. The workman petitioner vide the letter dated 28.07.2003 duly informed the matter to the Labour Commissioner in spite of receiving the said letter they failed to take any steps on the plea. It is the plea of the applicant that the present application based on the following allegation: - "The termination of his service is illegal, unfair, unreasonable and void ab initio, and direct the employer company to reinstate him in service with all back wages and other benefits."

Per contra, it is the plea of the OP that there is no legal dispute, at all, as required under the Industrial Disputes Act 1947. The Opposite Party herein further submits that the instant applicant/ is not at all maintainable as per Sec. 2A. The said workman being the Driver of the Company, from the very inception of the employment used to absent himself frequently without having any prior sanctioned leave from the company and used to over stay in so many occasions with the object to earn extra money/ profit by making himself temporarily engaged as a Driver in other company or under individual and in some times to look after the family business situated in Calcutta.

It is pertinent to be mention that the said workman, had taken from the company the Advance to the tune of Rs. 64, 300.00 out of which Rs. 44,699.00 was paid by monthly installment, therefore Rs. 19,601.00 has remained unpaid.

While, the company directed him to repay the balance amount the said workman further applied before the company; in writing on 10.11.2001 for granting leave from 19.11.2001 to 5.12.2001 with the object to reach his native village in Bihar to celebrate "CHAT PUJA". Considering the gravity of the situation, he was sanctioned leave and directed him to; join in to his service accordingly on the following working day otherwise the company would suffer.

It is unfortunate to state that the said workman as usual did not join his assigned duty after completion his sanctioned leave and even he did not inform the management in regards to his long absence.





After having been intimated about the contentions of letter sent by the company dated 15.01.2002 from one Surya Bhusan Gupta, claiming his brother on 24.1.2002, the said workman did not join into the Company nor did he communicate anything to the company neither by phone nor by writing.

5) It seems that the Co. entered appearance on 05.01.2004. Issues were framed in due course at this court had fixed for evidence by the OP Company. The Company had decided to challenge maintainability of case on 21.09.2007 which prayer was rejected and OP procured all the papers and certified copy of the order No. 41 dated 21.09.2007 Revisional application was preferred before the Hon'ble High Court. Thereafter the OP filed writ petition and vide order No.43 dated 24.12.2007, OP was directed to bring stay order from the Hon'ble High Court. Vide Order No. 105 dated 20.08.2014 the case was fixed for hearing. Vide Order No.114 dated 21.4.2015 Ld. Advocate on behalf of the applicant had submitted that the writ petition being W.P. No. 26917(W) of 2007 was pending before the Hon'ble High Court. In the said writ petition 26917(W) of 2007 vide order dated 06.08.2008 the Hon'ble High Court was pleased to pass an order to the effect "however, I make it clear that the pendency of this proceeding shall not prevent the Labour Court from proceeding with the subject case

However, any decision taken by the Ld. Labour Court shall abide by the final result of the writ petition".

Vide order No. 167 dated 31.01.2025 from the website of the Hon'ble High Court, it is shown that the case is "DISMISSED FOR DEFAULT". Thereafter S/c was issued upon the applicant as to why the case shall not be passed 'NO-DISPUTE' award but the Ld. Advocate for the applicant is not present inspite of repeated calls the case is fixed for No-Dispute Award.

None for the OP also.

It seems that the applicant has not made his presence even thereafter. The conduct of the parties suggests that they have abandoned the matter in dispute and thus invites the court to invoke Rule 22 of the West Bengal Industrial Dispute Rules, 1958.

#### It is ordered

That in terms of Rule 22 of the West Bengal Industrial Dispute Rules, 1958, as amended till date, the dispute in this case is no longer in existence.

The application stands disposed off in terms of the settlement by the parties.

Let necessary compliances be made in terms of service of the copies to concerned Government Authorities.

The case is hereby disposed off.

Note in the relevant register.

Dictated & corrected by me

*[Signature]*  
JUDGE



*[Signature]*  
SREEJITA CHATTERJEE  
JUDGE  
SECOND LABOUR COURT  
KOLKATA

Judge  
Second Labour Court W.B.