

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

No. Labr./ 385 /(LC-IR)/11L-04/2013

Date : 22.04.2024

ORDER

WHEREAS an industrial dispute existed between M/s Birla Building Ltd., 'Birla Building', 9/1, R. N. Mukherjee Road, Kolkata - 700001 and its workman Mrs. Gopa Banerjee, 36/2, Jyotish Roy Road, New Alipore, Kolkata - 700053 regarding the issues being a matter specified in the second schedule of the Industrial Dispute act, 1947 (14of 1947);

AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute act, 1947 (14of 1947) to the Seventh Industrial Tribunal specified for this purpose under this Department Notification No. 101- IR dated 2.2.12;

AND WHEREAS the said Seventh Industrial Tribunal has submitted to the State Government its Award dated 22.02.2024 in Case No. 11 of 2017 on the said Dispute vide Memo No. Dte/7th IT/046/2024 dated 05.04.2024.

NOW, THEREFORE, in pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Governor is pleased hereby to publish the said Order as shown in the Annexure hereto.

ANNEXURE

(Attached herewith)

By order of the Governor,



Assistant Secretary
to the Government of West Bengal

No. Labr/ 385 /1(2)/(LC-IR)

Date : 22.04.2024

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal, N.S. Building, 3rd Floor, 1, K.S. Roy Road, Kolkata - 700001 with reference to his Memo No. Dte/7th IT/046/2024 dated 05.04.2024.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.



Assistant Secretary

Date : 22.04.2024

No. Labr/ 385 /2(5)/(LC-IR)

Copy with a copy of the Order is forwarded for information & necessary action to:

1. M/s Birla Building Ltd., 'Birla Building', 9/1, R. N. Mukherjee Road, Kolkata - 700001.
2. Mrs. Gopa Banerjee, 36/2, Jyotish Roy Road, New Alipore, Kolkata - 700053.
3. The O.S.D. & E.O. Labour Commissioner, W.B., New Secretariat Building (11th Floor), 1, Kiran Sankar Roy Road, Kolkata – 700001.
- ✓ 4. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.
5. Office Copy.



Assistant Secretary

H.A.(IT) / Dipankar Sen / Sandeep (SSP)
29/04/24

Before The Seventh Industrial Tribunal, West Bengal

Present: Ms. Yogita Gaurisaria, Judge, Seventh Industrial Tribunal.

Case No. 11 of 2017

Under Section 2A(2)

Mrs. Gopa Banerjee , 36/2, Jyotish Roy Road, New Alipore,
Kolkata – 700 053.

.....Applicant

-VS-

M/s Birla Building Limited, “Birla Building”, 9/1, R.N. Mukherjee Road,
Kolkata – 700 001.

.....Opposite Party

A W A R D

Dated 22.02.2024

Applicant Mrs. Gopa Banerjee is absent without steps.

O.P. /Company is also absent without steps.

Today is fixed for passing no dispute order in view of order no. 48 dated
08.02.2024.

Case record is taken up for passing order.

This case has been filed by the applicant/workman Mrs. Gopa Banerjee under Section 2A(2) of the Industrial Disputes Act, 1947 against opposite party in connection with termination of his service with effect from 02.12.2016 illegally with a prayer to reinstate her in service with full back wages and other consequential benefits and also costs and interests thereto.

Perused the case record wherefrom it appears that on 11.04.2023 order was passed fixing 09.06.2023 for filing show cause by the applicant/workman for her non appearance , but no show cause was filed by the applicant/workman. On 07.12.2023 the Tribunal again issued notice to the applicant directing her to appear on 15.01.2024 and file show cause as to why no dispute award shall not be passed in the instant case. On the said date Ld. Advocate for the O.P. was present and filed postal track report in connection with the notice sent to the applicant. It appeared from the said postal track report that the notice sent to the applicant was delivered with the postal remark ‘ Item delivered (Addressee)’, but the applicant neither appeared nor filed any show cause from her side. Thereafter, an opportunity was given to the applicant vide order no. 47 dated 15.01.2024 fixing 08.02.2024 for

Contd.....P/2



Sd/-
Judge 22/02/24
Seventh Industrial Tribunal

(2)

appearance and filing show cause in default necessary order shall be passed.

On 08.02.2024 the applicant was absent on repeated calls and no show cause has been filed from the side of the applicant despite due service of notice upon the applicant. So, considering the conduct of the applicant, it appeared that the applicant did not think it necessary to appear before this Tribunal till date and also did not think it necessary to file show cause in view of order no. 46 dated 07.12.2023. Therefore, it is clear that the applicant is not willing to proceed with his present case further.

In view of the aforesaid conduct of the applicant, this Tribunal holds that no industrial disputes exist in between the parties. So, I am inclined to pass a 'No Dispute' Award on the footings that Industrial Disputes under Rule 22 under West Bengal Industrial Dispute Rules, 1958 is no longer in existence.

Hence, it is

O r d e r e d

that the case being No. 11 of 2017 U/s 2A(2) of the Industrial Disputes Act, 1947 be and the same is dismissed for non existence of any Industrial Dispute. This is to be treated as 'No Dispute Award'.

This is my award.

Dictated & corrected by me.

sd/-
Judge
Seventh Industrial Tribunal



sd/-
(Yogita Gaurisaria)
Judge
7th Industrial Tribunal
Kolkata
22.02.2024
Judge
Seventh Industrial Tribunal