

I/472697/2024

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

No. Labr/. 39. /(LC-IR)/22015(16)/3/24 Date: 10/01/2024

ORDER

WHEREAS an industrial dispute existed between M/s. Dr. Subhas Kumar Ghosh, C/o. Smt. Sonali Ghosh & Smt. Sayani Ghosh, 64/90A/1, Khudiram Bose Sarani (Milk Colony), Kolkata - 700037 and Prem Ratan Raj Karanikar, C/o. B.P. Singh, 91, Netaji Subhas Road, Kolkata - 700001 regarding the issue, being a matter specified in the Second schedule to the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application under section 10(1B) (d) of the Industrial Dispute Act, 1947 (14 of 1947) to the Seventh Industrial Tribunal specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, the Seventh Industrial Tribunal heard the parties under section 10(1B) (d) of the I.D. Act, 1947 (14 of 1947) and framed the following issue dismissal of the workman as the "issue" of the dispute.

AND WHEREAS the Seventh Industrial Tribunal has submitted to the State Government its Award dated 28/12/2023 in Case No. 04/2017 U/s10(1B) (d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide memo no. Dte/7th IT/008/2024 dated 03/01/2024.

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,

Sd/-
Assistant Secretary
to the Government of West Bengal

1/472697/2024

:2:

No. Labr/. 39. 1/(5)/(LC-IR)

Date: 10/01/2024

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

1. M/s Dr. Subhas Kumar Ghosh, C/o. Smt. Sonali Ghosh & Smt. Sayani Ghosh, 64/90A/1, Khudiram Bose Sarani (Milk Colony), Kolkata - 700037.
2. Prem Ratan Raj Karanikar, C/o. B.P. Singh, 91, Netaji Subhas Road, Kolkata - 700001.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B., New Secretariat Building, (11th 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.



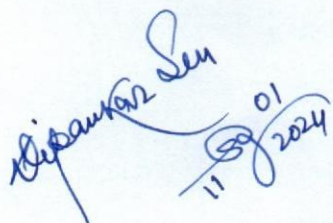
Assistant Secretary

No. Labr/. 39. .2/(2)/(LC-IR)

Date : 10/01/2024

Copy forwarded for information to:-

1. The Judge, Seventh Industrial Tribunal, Govt. of West Bengal, N.S. Building, 1, K.S. Roy Road, Kolkata - 700001 with respect to his Memo No. Dte/7th IT/008/2024 dated 03/01/2024.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.



11/01/2024

Assistant Secretary

Before The Seventh Industrial Tribunal, West Bengal

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

Case No. 04 of 2017

Under Section 10(1B)(d)

Prem Ratan Raj Karanikar , C/o B.P. Singh, 91, Netaji Subhas Road,
Kolkata – 700 001

Applicant

-VS-

1. Smt. Sonali Ghosh

2. Smt. Sayani Ghosh, 64/90A/1, Khudiram Bose Sarani (Milk Colony),
Kolkata – 700 037

Opposite Parties

A W A R D

Dated 28.12.2023

Applicant Prem Ratan Raj Karanikar is absent without steps.

O.P. /Company is absent.

Today is fixed for passing no dispute award in view of order no. 58
dt. 08.11.2023.

Case record is taken up for passing order.

This case has been filed by the applicant/workman Prem Ratan Raj Karanikar under Section 10(1B)(d) of the Industrial Disputes Act, 1947 against his employer M/s. Dr. Subhas Kumar Ghosh in connection with termination of his service by way of refusal of employment illegally with a prayer to reinstate him in service with full back wages and other consequential benefits.

Perused the case record wherefrom it appears that two persons namely Smt. Sonali Ghosh and Smt. Sayani Ghosh has been added as Opposite Parties No. 2 and 3 respectively vide order no. 31 dated 07.02.2020. Thereafter, on 09.03.2021 the O.P. No. 1 was expunged from the cause title as Dr. Subhas Kumar Ghosh expired on 15.12.2018 and accordingly, the above two persons namely Smt. Sonali Ghosh and Smt. Sayani Ghosh has been renumbered as Opposite Parties No. 1 and 2 respectively. Since 31.03.2021

Contd.....P/2

Self-
28/12/2023
Judge
Seventh Industrial Tribunal



(2)

the applicant was absent, a notice was issued on 30.11.2021 upon him directing to file show cause on 11.01.2022 as to why no dispute award shall not be passed in the instant case. Till 24.07.2023 the applicant was absent on repeated calls. Thereafter, vide order no. 57 dated 19.09.2023 a fresh notice was sent to the applicant directing him to file show cause on 08.11.2023 as to why no dispute award shall not be passed in the instant case. On 08.11.2023 the applicant was absent on repeated calls.

Thereafter, a further notice was issued and sent to the applicant directing him to appear before this Tribunal on 18.12.2023 and file show cause as to why no dispute award shall not be passed in the instant case. On 18.12.2023 the applicant was also absent on repeated calls. Vide Order No. 59 dated 18.12.2023 the case was fixed for passing no dispute award on the next date i.e. 28.12.2023.

Despite service of notice upon the applicant, he did not bother to appear before this Tribunal till date and no show cause was also filed from the side of the applicant till date. Therefore, it is clear from the conduct of the applicant that he is not willing and bothered 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

Ordered

that the case being No. 04 of 2017 u/S 10(1B)(d) 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

Judge
Seventh Industrial Tribunal



Sd/-
(Yogita Gaurisaria)
Judge

7th Industrial Tribunal
Kolkata
28.12.2023

Judge
Seventh Industrial Tribunal