

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

No. Labr/.../(LC-IR)/22015(11)/1/2022 Date: /2024

ORDER

WHEREAS an industrial dispute existed between M/s. On the Move Travels & Tours Pvt. Ltd., 12A, Lord Sinha Road, Room No. 302, Kolkata - 700071 and Shri Kameswar Yadav, S/o Shibath Yadav, 43, Sanatan Mistry Lane, near Shivmandir Oriapara, Salkia, Howrah, Pin - 711106 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 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 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 27/03/2024 in Case No. 44/2022 U/s10 of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide Memo No. Dte/7th IT/050/2024 dated 09/04/2024.

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,

Sdt
Assistant Secretary
to the Government of West Bengal

I/508830/2024

Labr-22015(11)/1/2022-IR SEC-Dept. of LABOUR

:2:

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

Date: 24-04-2024

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

1. M/s On the Move Travels & Tours Pvt. Ltd., 12A, Lord Sinha Road, Room No. 302, Kolkata - 700071.
2. Shri Kameswar Yadav, S/o Shibath Yadav, 43, Sanatan Mistry Lane, near Shivmandir Oriapara, Salkia, Howrah, Pin - 711106.
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/... 2/(2)/(LC-IR)

Date: 24-04-2024

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/050/2024 dated 09/04/2024.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Assistant Secretary

H.A.(IT)/Ripamun/24-04-2024
Sandeep (SSP)

Before The Seventh Industrial Tribunal, West Bengal

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

Case No.44/2022

U/S 10 of the Industrial Disputes Act, 1947

Shri Kameswar Yadav, S/o Shibath Yadav, 43, Sanatan Mistry Lane, near Shivmandir Oriapara, Salkia, Howrah , Pin – 711 106.

.....Applicant/workman

-Vs-

M/s On the Move Travels & Tours Pvt. Ltd., 12A, Lord Sinha Road, Room No. 302, Kolkata – 700 071.

.....Opposite Party

A W A R D

Dated 27.03.2024

Both the parties are absent without steps.

Today is fixed for passing no dispute award.

Accordingly, the case is taken up for passing no dispute award in view of Order No. 10 dated 27.02.2024.

This case is a reference case under Section 10 of the Industrial Disputes Act, 1947.

In this case the written statement has been filed by the applicant/workman Shri Kameswar Yadav in connection with termination of his service illegally with a prayer to reinstate him 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 11.10.2023 was fixed for filing written statement by the applicant, but neither the applicant nor his Ld. Advocate was present on repeated calls. Thereafter, on 18.12.2023 also none appeared for the applicant and accordingly, considering the conduct of the applicant, this Tribunal on the said date i.e. 18.12.2023 passed an order for issuing fresh notice to the applicant directing him to appear on 30.01.2024 and file show cause as to why no dispute award shall not be passed in the instant case .

Sd/-
Judge
Seventh Industrial Tribunal
27.03.24



(2)

It appears from the order dated 30.01.2024 that the notice sent to the applicant was delivered with postal remark “ Item Delivered (Addressee)”, but on that day also the applicant was absent on repeated calls and no reply to show cause was filed from his side till date.

So, it appears that the applicant did not bother to appear before this Tribunal till today and also did not think it necessary to file show cause in view of Order No. 08 dated 18.12.2023. 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. 44 of 2022 U/s 10 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.

Judge

(Yogita Gaurisaria)
Judge
7th Industrial Tribunal
Kolkata
27.03.2024

Judge
Seventh Industrial Tribunal