

I/508833/2024

LABR-22015(15)/2/2024-IR SEC-Dept. of LABOUR

Government of West Bengal

Labour Department, I. R. Branch

N. S. Building, 12th Floor, 1, K.S. Roy Road, Kolkata – 700001

No. Labr./ 398 / (LC-IR)/22015(15)/2/2024

Date : 25/04/2024

ORDER

WHEREAS an industrial dispute existed between 1) M/s Basic Technology (P) Ltd., 2-2B, Nandy Street, Kolkata – 700029, 2) M/s S.M. Sciencetech, 2-2B, Nandy Street, Kolkata – 700029 and their workman Shri Ram Prabesh Tiwari, C/o Mrityunjay Panti, Vill.- Gorkhara, Arabinda Nagar, Chandra Kanta Ghosh Lane, Sonarpur, Kolkata - 700150 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 13.03.2024 in Case No. 33/2019 on the said Dispute vide Memo No. Dte/7th I.T./047/2024 dated 09.04.2024.

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 Award as shown in the Annexure hereto.

ANNEXURE

(Attached herewith)

By order of the Governor,

8d/-

Assistant Secretary

to the Government of West Bengal

No. Labr/ 398 /1(6)/(LC-IR)

Date : 25/04/2024

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

1. M/s Basic Technology (P) Ltd., 2-2B, Nandy Street, Kolkata – 700029.
2. M/s S.M. Sciencetech, 2-2B, Nandy Street, Kolkata – 700029.
3. Shri Ram Prabesh Tiwari, C/o Mrityunjay Panti, Vill.- Gorkhara, Arabinda Nagar, Chandra Kanta Ghosh Lane, Sonarpur, Kolkata - 700150.
4. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
5. The OSD & EO Labour Commissioner, W.B., New Secretariat Building, 11th Floor, 1, Kiran Sankar Roy Road, Kolkata – 700001.
- ✓ 6. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.

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Assistant Secretary

No. Labr/ 398 /2(3)/(LC-IR)

Date : 25/04/2024

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/7thIT/047/2024 dated 09.04.2024.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.
3. Office Copy.

Assistant Secretary

H.A.(IT)/
29/04/2024

Before The Seventh Industrial Tribunal, West Bengal

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

Case No.33/2019

U/S 2A(2) of the Industrial Disputes Act, 1947

Shri Ram Prabesh Tiwari, C/o Mrityunjay Panti, Vill. Gorkhare, Arabinda Nagar, Chandra Kanta Ghosh Lane, Sonarpur, Kolkata – 700 150.

.....Applicant/workman

-VS-

1. M/s Basic Technology (P) Ltd., 2-2B, Nandy Street, Kolkata – 700 029
2. M/s S.M. Sciencetech, 2-2B, Nandy Street, Kolkata – 700 029

.....Opposite Parties

A W A R D

Dated 13.03.2024

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 order in view of Order No. 33 dated 15.12.2023.

This case has been filed by the applicant/workman Shri Ram Prabesh Tiwari under Section 2A(2) of the Industrial Disputes Act, 1947 against his employers /Opposite Parties 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 26.05.2022 the case was fixed for filing list of documents along with documents by the parties and also exchange of documents but applicant was absent till 23.02.2023 on repeated calls and considering the conduct of the applicant, on that date i.e. on 23.02.2023 this Tribunal issued notice to the applicant directing him to appear on 17.04.2023 and file reply to show cause as to why



(2)

a no dispute award shall not be passed. Thereafter, the notice sent to the applicant was received back with the postal remark ' unclaimed ' which is a valid service. On 02.08.2023 the instant case was fixed for appearance on 11.10.2023 but the applicant did not appear before this Tribunal 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. 28 dated 23.02.2023. 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. 33 of 2019 under Section 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.

Yogita Gaurisaria
Judge

Yogita Gaurisaria
(Yogita Gaurisaria)
Judge
7th Industrial Tribunal
Kolkata
13.03.2024

Judge
Seventh Industrial Tribunal