

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

No. Labr./ 399 /(LC-IR)/22015(16)/29/2024

Date : 25/04/2024

ORDER

WHEREAS an industrial dispute existed between M/s Sinthee Gas Services, 47, B.T. Road, Kolkata - 700059 and its workman Shri Munshi Yadav, 14, Ultadanga Road, Kolkata - 700054 regarding the issues being a matter specified in the second schedule of the Industrial Dispute act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute act, 1947 (14 of 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 11.03.2024 in Case No. 53 of 2015 on the said Dispute vide Memo No. Dte/7th I.T./049/2024 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,



Assistant Secretary

to the Government of West Bengal

No. Labr/ 399 /1(5)/(LC-IR)

Date : 25/04/2024

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

1. M/s Sinthee Gas Services, 47, B.T. Road, Kolkata - 700059.
2. Shri Munshi Yadav, 14, Ultadanga Road, Kolkata - 700054.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The OSD & EO 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

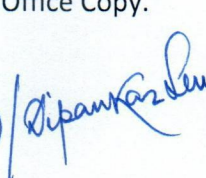
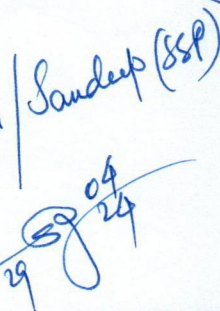
No. Labr/ 399 /2(3)/(LC-IR)

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/049/2024 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) /  / Sandeep (SSP) 

29/04/24

Before The Seventh Industrial Tribunal, West Bengal

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

Case No.53 of 2015

Under Section 2A(2)

Sri Munshi Yadav, 14, Ultadanga Road, Kolkata – 700 054.

.....Applicant

-VS-

M/s. Sinthee Gas Services, 47, B.T. Road, Kolkata – 700 059

.....Opposite Party

A W A R D

Dated 11.03.2024

Both the parties are absent without steps.

Today is fixed for passing no dispute award in view of order no. 63 dt. 29.02.2024.

Case record is taken up for passing award.

This case has been filed by the applicant/workman Sri Munshi Yadav under Section 2A(2) of the Industrial Disputes Act, 1947 against his employer M/s. Sinthee Gas Services in connection with termination of his service with effect from 17.03.2015 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 order was passed on 24.03.2023 fixing 28.04.2023 for hearing of the petition dated 24.03.2023 filed by the Ld. Advocate for the O.P. and W/O, if any, in the meantime. On 22.11.2023 the applicant did not appear, but the Ld. Advocate for the applicant was present and submitted that he has no instruction and prayed to issue notice. On that day, a notice was issued to the applicant directing him to appear on 29.12.2023 and file reply to show cause as to why no dispute award shall be passed in the instant case. Thereafter, on 29.12.2023 it



Yogita Gaurisaria
Judge
Seventh Industrial Tribunal
11/03/24

(2)

appeared from the postal track report that the notice sent to the applicant has been delivered with postal remark 'Item Delivered (Addressee)'. On that date the applicant was absent on repeated calls, but an opportunity was given by this Tribunal to the applicant for appearance and filing reply to show cause on the next date i.e. on 29.02.2024. But on the said date none appeared for the applicant on repeated calls and the applicant did not think it necessary to appear before this Tribunal and to file reply to show cause in view of order no. 63 dated 29.02.2024. 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. 53 of 2015 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.

Yogita Gaurisaria
Judge



Yogita Gaurisaria
(Yogita Gaurisaria)

Judge
7th Industrial Tribunal
Kolkata
11.03.2024

Judge
Seventh Industrial Tribunal