

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

No. Labr/.4.01 / (LC-IR)/22015/3/2021 Date: 25/4/2024

ORDER

WHEREAS an industrial dispute existed between M/s. R. K. Enterprise, 71/D/204B, Rashbehari Basu Road, Bagree Market, Kolkata - 700001 and Sri Rashbehari Ghosh, 96, Banaras Road, Bamungachi, Howrah - 6 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 09/04/2024 in Case No. 31 of 2021 U/s 10(1B) (d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide memo no. Dte/7th IT/061/2024 dated 23/04/2024.

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

:2:

No. Labr/.401/ 1/(5)/(LC-IR)

Date: 25/4/2024

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

1. M/s. R. K. Enterprise, 71/D/204B, Rashbehari Basu Road, Bagree Market, Kolkata - 700001.
2. Sri Rashbehari Ghosh, 96, Banaras Road, Bamungachi, Howrah - 6.
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/.401/.2/(2)/(LC-IR)

Date : 25/4/2024

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/061/2024 dated 23/04/2024.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Assistant Secretary

H.A.-(IT) / *[Handwritten signature]* / Sandeep (SSP)
29/04/24

Before The Seventh Industrial Tribunal, West Bengal

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

Case No. 31 of 2021

Under Section 10(1B)(d)

Shri Rashbehari Ghosh, 96, Banaras Road, Bamungachi, Howrah - 6

.....Applicant

-VS-

M/s. R.K. Enterprise, 71/D/204B, Rashbehari Basu Road, Bagree Market,
Kolkata – 700 001.

.....Opposite Party

A W A R D

Dated 09.04.2024

Both the parties are absent without steps.

Today is fixed for passing no dispute award in view of order no. 19
dt. 21.03.2024.

Case record is taken up for passing award.

This case has been filed by the applicant/workman Shri Rashbehari Ghosh under Section 10(1B)(d) of the Industrial Disputes Act, 1947 against his employer M/s. R.K. Enterprise in connection with termination of his service with effect from 01.05.2019 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 19.01.2023 fixing 31.03.2023 for ex parte hearing of the instant case. Thereafter, on 09.08.2023 none appeared for the applicant. Accordingly, on 11.01.2024 an order was passed directing the applicant to appear on 22.02.2024 and file reply to the show cause as to why no dispute award shall not be passed in the instant case. On 22.02.2024 it appeared from the postal track report that the notice sent to the applicant has been delivered with

Sd/-
Judge
Seventh Industrial Tribunal
09.04.24



Contd.....P/2

(2)

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 21.03.2024. 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. 17 dated 11.01.2024. 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. 31 of 2021 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
09.04.2024

Judge
Seventh Industrial Tribunal