

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

No. Labr/ 406 /(LC-IR)/22015(12)/53/2019

Date : 26.04.2024

**ORDER**

WHEREAS an industrial dispute existed between Shri Sushil Tiwari, C/o Ramen Pandey, President, INTUC, Wet Bengal & Calcutta Shops & Commercial Establishment Workers Union, Maruti Building, 12, Loudon Street, Kolkata – 700001 and Shri Abhijit Kumar Palit, Secretary, The Jute Ballers' Association, "Jute House", 12, India Exchange Place, Kolkata - 700001 regarding the issues, being a matter specified in the second schedule to the Industrial Dispute Act, 1947 (14 of 1947);

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

AND WHEREAS the said Seventh Industrial Tribunal, Kolkata has submitted to the State Government its Award dated 21.02.2024 in case No. - 06/2020 under section 10 of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide Memo No. Dte/7<sup>th</sup> IT/048/2024 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,

*Sd/-*  
Assistant Secretary

to the Government of West Bengal

No. Labr/ 406 /1(5)/(LC-IR)

Date : 26.04.2024

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

1. Shri Sushil Tiwari, C/o Ramen Pandey, President, INTUC, Wet Bengal & Calcutta Shops & Commercial Establishment Workers Union, Maruti Building, 12, Loudon Street, Kolkata – 700001.
2. Shri Abhijit Kumar Palit, Secretary, The Jute Ballers' Association, "Jute House", 12, India Exchange Place, Kolkata - 700001.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The OSD & EO Labour Commissioner, W.B., New Secretariat Building, 11<sup>th</sup> 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.

*Ba*  
Assistant Secretary

Date : 26.04.2024

No. Labr/ 406 /2(3)/(LC-IR)

Copy forwarded for information to :-

1. The Judge, Seventh Industrial Tribunal, N. S. Building, 3<sup>rd</sup> Floor, 1, K.S. Roy Road, Kolkata - 700001 with respect to his Memo No. Dte/7<sup>th</sup> IT/048/2024 dated 09.04.2024.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.
3. Office Copy.

*H.A.(IT)*  
Assistant Secretary

*H.A.(IT) / Dep. Secy / Sandap (SSP)*  
*29/04/24*



Before The Seventh Industrial Tribunal, West Bengal

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

Case No.06/2020

U/S 10 of the Industrial Disputes Act, 1947

Shri Sushil Tiwari, C/o Ramen Pandey, President , INTUC, West Bengal & Calcutta Shops & Commercial Establishment Workers Union, Maruti Building, 12, Loudon Street, Kolkata – 700 001

.....Applicant/workman

-Vs-

Sri Abhijit Kumar Palit, Secretary, The Jute Ballers' Association, " Jute House", 12, India Exchange Place, Kolkata – 700 001.

.....Opposite Party

A W A R D

Dated 21.02.2024

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. 30 dated 15.02.2024.

The instant case is a reference case Under Section 10 of the Industrial Disputes Act, 1947.

In this case written statement has been filed by the pplicant/workman Shri Sushil Tiwari 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 03.12.2021 the case was fixed for appearance of applicant but applicant was absent on that day on repeated calls and this Tribunal on the said date i.e. on 03.12.2021 passed an order for issuing notice to the applicant directing him to appear on the next date i.e. on 16.02.2023. As the applicant did not appear on 16.02.2023 this Tribunal again issued fresh notice to the applicant and directed him to appear and file reply to show cause on 27.03.2023 as to why a no dispute award shall not be passed in the instant case. Thereafter, again

*Yogita Gaurisaria*  
Judge 21/02/24  
Seventh Industrial Tribunal





(2)

on 03.07.2023 a fresh notice was issued to the applicant directing him to appear and reply to show cause on 07.09.2023 as to why no dispute award shall not be passed in the instant case. Thereafter, on 31.01.2024 this Tribunal observed that the notice sent to the applicant has been 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.

It appears from the case record that the applicant did not bother to appear before this Tribunal till date and also did not think it necessary to file reply to show cause. 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. 06 of 2020 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.

*Yogita Gaurisaria*  
Judge

*Yogita Gaurisaria*  
(Yogita Gaurisaria)  
Judge

7<sup>th</sup> Industrial Tribunal  
Kolkata  
21.02.2024

Judge  
Seventh Industrial Tribunal

