

**THE SECOND LABOUR COURT, KOLKATA.**  
**IN THE MATTER OF**  
**AN APPLICATION NO. 29/2011 UNDER SECTION 10 OF THE INDUSTRIAL DISPUTES ACT, 1947**

**BAIJANATH PASWAN, T. NO. C-164**

H/O PARCHAN SINGH, B.L. NO. – 14,  
P.O. & P.S. JAGATDAL, DIST. 24PGS.(NORTH)

VERSUS

**M/S. NICCO CORPORATION LTD (CABLE DIVISION)**

P.O. AUTHPUR, P.S. JAGATDAL,  
DIST.-24 PGS. (NORTH)

**PRESENT : SREEJITA CHATTERJEE**

**JO CODE : WB001252**

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**Appearance**

**MR/MRS. UDDIPAN BANERJEE, LD. Advocate for the Applicant**

**MR/MRS. PRABIR KUMAR CHAKRABORTY, A.A. ROSHAN KABIR, LD. Advocate for the  
Opposite Party.**

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**DATE OF AWARD; 18.12.2024**

**1) EXORDIUM**

This is an application Under Section 10 (1B)(d) of Industrial Dispute Act, 1947.

The present case is set to motion by an application of the workman in the above captioned industrial dispute case, seeking reinstatement on alleged illegal termination in service.

Applicant by representation dated 21.06.2011 raised an industrial dispute relating to illegal termination, in terms of Section 10(1B)(d), as amended, with respect to the State of West Bengal vice Act No. 33 of 1989. The said industrial dispute was referred to the conciliation officer, who initiated conciliation proceedings. However, the said proceedings did not see any chances of settlement within sixty days from raising of the dispute in consequence thereof, conciliation officer issued certificate about pendency of the conciliation proceedings and thus this case.

## 2) JURISDICTION

The matter in issue relates to “Discharge or dismissal of a workman including reinstatement of or grant of relief to workman wrongfully dismissed and covered in the Second Schedule to the Act and well within the cognizance of this Court.

## 3) LIMITATION

The conciliation having failed the certificate of the conciliation officer was issued on 30.09.2011 and the present cause was initiated on 21.06.2011 and well within limitation in terms of Section 10 (1B)(D).

## 4) FACTUAL MATRIX

Nicco Corporation Ltd is associated with production of electrical cables, wires etc. petitioner/ applicant was in the executive committee of the Nicco Shramik Union and this attracted vengeance of the Management for his trade union activities and opposition against illegal , arbitrary and anti labour policy of the management. It is this which resulted in the charges against the applicant to victimize him for which Title Suit being No. 219 of 2006 was instituted the Ld. Civil Judge (Jr. Division) at Barrackpore. Be that as it may, the management issued fabricated charge sheet to him on 19<sup>th</sup> September, 2009 on a false pretext of an incident which is submitted to have occurred on 10<sup>th</sup> September, 2009..

It is submitted that the charge sheet was issued by a person who had no authority. The management, in order to evade the justified demand of the poor workers, declared suspension of work on and from 21<sup>st</sup> September, 2009. The proceedings were conducted by the ‘yes man’ of the management and in infringement of natural justice.

The applicant expressed his grievance, orally and writing, against the biased report and findings vide letter dt. 18<sup>th</sup> May 2010 but was dismissed. The applicant was constrained to raise dispute before the Deputy Labour Commissioner on 21<sup>st</sup> June, 2011 and the present application is filed on the decision on the following points:-

1. Whether dismissal of Baijnath Paswan from his service w.e.f 28.07.2010 by the OP Company was valid and justified?
2. Whether the dismissal held with regard to the charge sheet dated 19<sup>th</sup> September was valid and proper?
3. What relief, if any the workman is entitled to?

It is the plea of the OP Company that there is no basis of Industrial Dispute and the case is not maintainable, elaborating allegation of his conduct, riotous behavior, indiscipline acts and conduct likely to endanger safety of persons.

The enquiry held by the enquiry officer was in terms of Rules and principles of natural justice and legal and valid the application of the applicant is liable to dismiss.

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5) It seems from the record that the case is pending since 2011. The company entered their appearance 9.12.2011 and the case proceeded thereafter by framing of issues followed by the examination on the point of validity of domestic enquiry. It is at the stage of argument that the OP Company raised dispute that OP had no locus standi as M/s. Nicco Corporation Ltd. It is in the process of liquidation. It seems thereafter since the order 67, dated 01.12.2017 that the case was pending for show cause upon the liquidator. Thereafter, on 21.2.2019, it seems that an order was passed by this Court urging the OP liquidator to show cause as to why he should not be made a party and thereafter the case was posted for argument on the Validity of Domestic Enquiry. It is at this stage that after so many occasions this Court was constrained to issue a show cause as to why No-dispute award shall be passed.

It seems that the applicant has not made his presence even thereafter. The conduct of the parties suggests that they have abandoned the matter in dispute and thus invites the court to invoke Rule 22 of the West Bengal Industrial Dispute Rules, 1958.

**IT IS ORDERED**

That in terms of Rule 22 of the West Bengal Industrial Dispute Rules, 1958, as amended till date, the dispute in this case is no longer in existence.

The application stands disposed off in terms of the settlement by the parties.

Let necessary compliances be made in terms of service of the copies to concerned Government Authorities.

The case is hereby disposed off.

Note in the relevant register.

**DICTATED & CORRECTED BY ME**

**JUDGE**

**SREEJITA CHATTERJEE  
JUDGE  
SECOND LABOUR COURT  
KOLKATA.**

I/594135/2025

Government of West Bengal  
Labour Department, I. R. Branch

No. Labr/ 44

N. S. Building, 12<sup>th</sup> Floor, 1, K. S. Roy Road, Kolkata – 700001  
/(LC-IR)/22015(16)/546/2019

Date : 09.01.2025

**ORDER**

WHEREAS an industrial dispute existed between M/s. Nicco Corporation Ltd (Cable Division), P.O. Authpur, P.S. Jagatdal, Dist.-24 Pgs. (North) and their workman Shri Baijanath Paswan, T. No. C-164, H/O Parchan Singh, B.L. No. – 14, P.O. & P.S. Jagatdal, Dist.-24 Pgs. (North), regarding the issues, being a matter specified in the second schedule to the Industrial Dispute Act, 1947 (14 of 1947);


AND WHEREAS the 2<sup>nd</sup> Labour Court, Kolkata has submitted to the State Government its Award dated 18.12.2024 in Case No. 29/2011 on the said Industrial Dispute Vide e-mail dated 20.12.2024 in compliance of u/s 10(2A) of the I.D. Act, 1947.

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,

  
Assistant Secretary  
to the Government of West Bengal

No. Labr/ 44 /1(5)/(LC-IR)/ 22015(16)/546/2019

Date : 09.01.2025

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

1. M/s. Nicco Corporation Ltd (Cable Division), P.O. Authpur, P.S. Jagatdal, Dist.-24 Pgs. (North).
2. Shri Baijanath Paswan, T. No. C-164, H/O Parchan Singh, B.L. No. – 14, P.O. & P.S. Jagatdal, Dist.-24 Pgs. (North).
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.


  
Assistant Secretary

No. Labr/ 44 /1(3)/(LC-IR)/ 22015(16)/546/2019

Date : 09.01.2025

Copy forwarded for information to :-

1. The Judge, 2<sup>nd</sup> Labour Court, N. S. Building, 2<sup>nd</sup> Floor, 1, K.S. Roy Road, Kolkata – 700001 with respect to his e-mail dated 20.12.2024.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata – 700001.
3. Office Copy.

  
Assistant Secretary