

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

No. Labr/ 458 / (LC-IR)/ 22015(16)/56/2025

Date : 28/04/2025


ORDER

WHEREAS an industrial dispute existed between M/s. Pneumatic Power Tools & Co.(P) Ltd., 68/D, Acharya Profulla Chandra Road, Calcutta – 700001 and their workman Shri Dulal Das, C/o Calcutta Motor Drivers' Union, 55, Biplabi Rashbehari Basu Road, Mehta Building, B-Block, 2nd Floor, Calcutta - 700001, regarding the issues, being a matter specified in the second schedule of the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the 2nd Labour Court, Kolkata has submitted to the State Government its Award dated 22.04.2025 in Case No. 04 / 2006 on the said Industrial Dispute Vide e-mail dated 24.04.2025 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 in the Labour Department's official website i.e. **wblabour.gov.in**

By order of the Governor,


Assistant Secretary
to the Government of West Bengal

No. Labr/ 458 / 1(5)/(LC-IR)/ 22015(16)/56/2025

Date : 28/04/2025

Copy forwarded for information and necessary action to :-

1. M/s. Pneumatic Power Tools & Co.(P) Ltd., 68/D, Acharya Profulla Chandra Road, Calcutta – 700001.
2. Shri Dulal Das, C/o Calcutta Motor Drivers' Union, 55, Biplabi Rashbehari Basu Road, Mehta Building, B-Block, 2nd Floor, Calcutta - 700001.
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 request to cast the Award in the Department's website.



Assistant Secretary
to the Government of West Bengal

No. Labr/ 458 / 2(3)/(LC-IR)/ 22015(16)/56/2025

Date : 28/04/2025

Copy forwarded for information to :-

1. The Judge, 2nd Labour Court, N. S. Building, 1, K.S. Roy Road, Kolkata - 700001 with reference to her e-mail dated 24.04.2025.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.
3. Office Copy.


Assistant Secretary
to the Government of West Bengal

THE SECOND LABOUR COURT, KOLKATA.

IN THE MATTER OF

AN APPLICATION NO. 04/2006 UNDER SECTION 10(1B)(D) OF THE INDUSTRIAL DISPUTES ACT, 1947

**SHRI DULAL DAS
C/O CALCUTTA MOTOR DRIVERS' UNION
55, BIPLABI RASHBEHARI BASU ROAD,
MEHTA BUILDING, B- BLOCK, 2ND FLOOR, CALCUTTA-700001.**

VERSUS

**M/S. PNEUMATIC POWER TOOLS & CO. (P) LTD.,
68/D, ACHARYA PROFULLA CHANDRA ROAD,
CALCUTTA- 700001**

PRESENT : SREEJITA CHATTERJEE

JO CODE : WB001252

Appearance

MR/MRS. SAIBAL MUKHERJEE, LD. Advocate for the Applicant

MR/MRS. SUSHIL KARMAKAR, DEBASHIS DE, LD. Advocates for the Opposite Party.

DATE OF AWARD: 22.04.2025

1) EXORDIUM

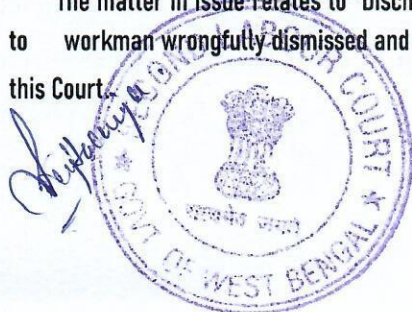
This is an application Under Section 10 (1B)(d) of Industrial Dispute Act, 1947.

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

Applicant by representation dated 11.07.2005 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 whereof, 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 19.12.2005 and the present cause was initiated on 08.02.2006 and well within limitation in terms of Section 10 (1B)(D).

4) FACTUAL MATRIX

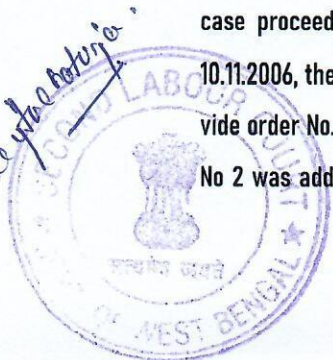
The facts leading to the case suggest that M/S. Pneumatic Power Tools & Co. (P) Ltd. Was a reputed concern engaged in manufacturing & exporting manual tools and equipments etc., earning huge profit and flourishing day by day mainly because of hard labour and skillfull performance of its workmen, engaged under it. The applicant was appointed as a Car- Driver from 1995 and worked until 08.04.2005 in the aforesaid company. The applicant was a victim of unfair labour practices by the opposite party Company, who denied him an appointment letter and name in their master roll. Despite working under their control, the applicant repeatedly requested redress for irregularities, but the Opposite Party threatened to terminate his service. Despite the unfair labour policy, the applicant was sincere and hardworking. The applicant was terminated without any reason or notice, despite providing the best service during his tenure of employment. The opposite party terminated his service without any notice or compensation. The applicant was highly aggrieved by the termination. The applicant protested the wrongful termination order, demanding re-instatement in service with full back wages vide letter dated 05.06.2005. The opposite party received the letter but made no response to it. He raised an industrial dispute with the Assistant Labour Commissioner, Government of West Bengal, vide letter dated 11.07.2005 for seeking intervention of them in this matter.

The OP contested by filing W/S denying and disparaging all the avernments made by applicant. The OP Company stated that as the applicant was not a workman, the question of issuance of appointment letter and entering his name in muster roll did not arise. They submitted that applicant was working in the establishment namely Development and Engineering Consultant. The OP denied employer- employee relation between the applicant and OP. However, the case was proceeded.

Issues were framed in due course on following counts:-

- 1) Is present case U/s 10(1)(B) of the I.D. Act maintainable?
- 2) Whether any employer -employee relationship existed between the parties?
- 3) Whether the termination of service, if any, of the applicant by the O.P. Company is justified? If so, to what relief/reliefs the applicant is entitled to get?

It seems from the record that the case is pending since 2006. The company entered their appearance 02.03.2006 and the case proceeded thereafter by framing of issues followed by evidence by the applicant. Vide order No. 14 dated 10.11.2006, the O.P filed a petition praying for hearing on preliminary issues. The case was taken up for hearing on merit vide order No. 15 dated 19.12.2006. Vide Order No. 58 dated 16.06.2011 M/s Development & Engineering Consultants as O.P. No 2 was added. Thereafter on 02.08.2011 O.P. No.2 appeared. Vide Order No. 107 dt 14.05.2015, the name of the added



O.P.No.2 was deleted. Thereafter, the applicant filed a petition on 23.06.2015 to add M/s Development & Engineering Consultants as

O.P. No 2. In the meantime, a show cause notice was issued upon O.P. No. 2. vide order No. 113 dated 09.10.2015, O.P. No. 2 was added but did not appear and case was proceeded *exparte* against added party. Thereafter the case was fixed for argument. In the meantime, the applicant did not appear. Hence S/c was issued upon the applicant, urging the applicant to show cause as to why the case shall not be proceeded in his absence. But the applicant did not appear till 27.02.2025. Again a fresh S/C issued upon the applicant. But the notice with closed envelope was returned on 10.03.2025. It is at this stage that after so many occasions this Court was constrained 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.

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

[Handwritten signature]
JUDGE

[Handwritten signature]
SREEJITA CHATTERJEE
JUDGE
SECOND LABOUR COURT

KOLKATA.

[Handwritten signature]
Judge
Second Labour Court WB

