

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

No. Labr/ 465 /(LC-IR)/ 22015(16)/57/2025

Date : 29/4/2025

ORDER

WHEREAS an industrial dispute existed between (1) M/s. K.V.R Baseline Resource Pvt. Ltd., Vill & P.O. – Purba Shri Krishnapur, Purba Medinipur – 721635 & (2) M/s. The West Bengal Waste Management Ltd., Vill & P.O. – Purba Shri Krishnapur, Purba Medinipur – 721635 and their workman Sk. Akram Ali, Vill & P.O. – Purba Shri Krishnapur, Purba Medinipur – 721635, 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 02.04.2025 in Case No. 03 / 2017 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/ 465 /1(6)/(LC-IR)/ 22015(16)/57/2025

Date : 29/4/2025

Copy forwarded for information and necessary action to :-

1. M/s. K.V.R Baseline Resource Pvt. Ltd., Vill & P.O. – Purba Shri Krishnapur, Purba Medinipur – 721635.
2. M/s. The West Bengal Waste Management Ltd., Vill & P.O. – Purba Shri Krishnapur, Purba Medinipur – 721635.
3. Sk. Akram Ali, Vill & P.O. – Purba Shri Krishnapur, Purba Medinipur – 721635.
4. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
5. The OSD & EO Labour Commissioner, W.B., New Secretariat Building, 11th Floor, 1, Kiran Sankar Roy Road, Kolkata – 700001.
6. 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/ 465 /2(3)/(LC-IR)/ 22015(16)/57/2025

Date : 29/4/2025

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

IN THE MATTER OF

AN APPLICATION NO. 03/2017 UNDER SECTION 10(1B)(D) OF THE INDUSTRIAL DISPUTES ACT, 1947

SK. AKRAM ALI

VILL & P.O. - PURBA SHRIKRISHNAPUR,

PURBA MEDINIPUR- 721635

VERSUS

1) M/s. K.V.R BASELINE RESOURCE PVT. LTD.

VILL & P.O. - PURBA SHRI KRISHNAPUR,

PURBA MEDINIPUR- 721635 -----IMMEDIATE EMPLOYER

2) M/s. THE WEST BENGAL WASTE MANAGEMENT LTD.

VILL & P.O. - PURBA SHRIKRISHNAPUR,

PURBA MEDINIPUR- 721635 -----PRINCIPAL EMPLOYER

PRESENT : SREEJITA CHATTERJEE

JO CODE : WB001252

Appearance

MR/MRS. SHRI RANANISH GUHA THAKURTA , Ld. Advocate for the Applicant

MR/MRS. SHRI KAUSHIK BHATTACHARYA, Ld. Advocate for the Opposite Party 1 & 2

DATE OF AWARD: 02.04.2025

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 25.11.2016 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.

The conciliation having failed the certificate of the conciliation officer was issued on 06.03.2017 and the present cause was initiated on 28.03.2017 and well within limitation in terms of Section 10 (1B)(D).

4) FACTUAL MATRIX

The workman was a permanent employee of K.V.R. Baseline Resource Pvt. Ltd. (Immediate Employer) and supervised by M/S West Bengal Waste Management Ltd. (Principal Employer) from 2009. The applicant was appointed as a picker vide letter dated 02.05.2009 and worked until 23.09.2016 in the aforesaid company. The applicant was issued a Gate Pass and covered under ESI and PF, receiving wages below minimums and his performance was satisfied with both employers. He was wrongfully terminated following a false criminal case which prevented him from working since September 23, 2016. He got anticipatory bail on mid September, 2016 and he went to rejoin on 23.09.2016 but denied by both employers. A workman pleaded with both employers and principal employers for duties, but it was rejected. He raised an industrial dispute with the Assistant Labour Commissioner, Government of West Bengal, vide letter dated 25.11.2016 for getting his service with back wages and the present application was filed praying for reinstatement with full back wages and other consequential relief. The OP did not file the W/S denying and disparaging all the averments made by applicant through there were no specific averments..... the workman.

Issues were framed in due course on following

- 1) Whether the instant case is maintainable either in facts and law of equity?
- 2) Whether the applicant is a workman within the meaning of Industrial Disputes Acts?
- 3) Whether the termination of service of the workman by way of refusal of employment w.e.f. 19.09.2016 is illegal void and unjustified?
- 4) Whether the applicant is entitled to get reinstatement of service with back wages and other consequential benefits or not?

It seems from the record that the case is pending since 2017. The company entered their appearance 11.05.2017 and the case proceeded thereafter by framing of issues followed by evidence by the applicant. Vide order No. 37 dated 11.04.2022 the applicant filed a petition praying for passing no dispute order. The case was fixed for hearing of petition dated 11.04.2022 to 07.02.2025. Thereafter on 07.02.2025 none appeared on behalf of both sides. 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. It was noticed from the track report, the website of India Post that the applicant received the notice but did not appear before this court on the fixed date. 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.

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

Judge
Second Labour Court



SREEJITA CHATTERJEE
JUDGE
SECOND LABOUR COURT
KOLKATA.