

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

No. Labr/ **718** / (LC-IR)/ LABR- 22015(16)/326/2019

Date : **23.06.2025**

ORDER

WHEREAS under Labour Department's Order No. 994-I.R./IR/11L-37/10, dated 14.09.2010 with reference to the Industrial Dispute between M/s. Uni Cattle & Poultry Feeds (Pvt.) Ltd Address: Jalan Industrial Complex, (Gate No. 3, Line No. 4) Vill & P.O. Baniara, Howrah-711 411 and their workmen represented by 1) Shri Karuprasad Yadav (2) Shri Yamuna Yadav (3) Shri Baleswar Yadav Represented by Shramik Union (H.M.S.), (Regd. No. 3944) Address: 4, Nityadhan Mukherjee Road, Howrah- 711 101 regarding the issues mentioned in the said order, being a matter specified in the Second Schedule of the Industrial Dispute Act' 1947 (14 of 1947), was referred for adjudication to the 1st Industrial Tribunal, Kolkata.

AND WHEREAS the 1st Industrial Tribunal, Kolkata, has submitted to the State Government its Award dated 18.06.2025 in Case No. VIII – 37/2010 on the said Industrial Dispute Vide e-mail dated 19.06.2025 in compliance of Section 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 hereby pleased 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/ **718** /1(5)/(LC-IR)/ LABR- 22015(16)/326/2019

Date: **23.06.2025**

Copy forwarded for information and necessary action to:

1. M/s. Uni Cattle & Poultry Feeds (Pvt.) Ltd Address: Jalan Industrial Complex, (Gate No. 3, Line No. 4) Vill & P.O. Baniara, Howrah-711 411.
2. i) Shri Karuprasad Yadav (ii) Shri Yamuna Yadav (iii) Shri Baleswar Yadav Represented by Shramik Union (H.M.S.), (Regd. No. 3944) Address: 4, Nityadhan Mukherjee Road, Howrah- 711 101.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B. New Secretariat Building, 1, K. S. Roy Road, 11th Floor, 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/ **718** /2(3)/(LC-IR)/ LABR- 22015(16)/326/2019

Date: **23.06.2025**

Copy forwarded for information to :

1. The Judge, 1st Industrial Tribunal, Kolkata, N.S. Building, 1, K.S. Roy Road, Kolkata-700001 with reference to her e-mail dated 19.06.2025.
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 Industrial Dispute between M/s. Uni Cattle & Poultry Feeds Pvt. Ltd. and their workmen Shri Karuprasad Yadav (2) Shri Yamuna Yadav and (3) Shri Baleswar Yadav, being represented by Shramik Union (H.M.S.)

[Case No. VIII-37/2010]

Reference No: 994-I.R./IR/11L-37/10, dated 14.09.2010.

BEFORE THE FIRST INDUSTRIAL TRIBUNAL, KOLKATA: WEST BENGAL

P R E S E N T

SHRI NANDAN DEB BARMAN, JUDGE

FOURTH INDUSTRIAL TRIBUNAL
& i/c of FIRST INDUSTRIAL TRIBUNAL
KOLKATA

(1) Shri Karuprasad Yadav

(2) Shri Yamuna Yadav

(3) Shri Baleswar Yadav

Represented by Shramik Union (H.M.S.), (Regd. No. 3944)

Address: 4, Nityadhan Mukherjee Road, Howrah- 711 101.

.....APPLICANT/WORKMEN

Vs.

M/s. Uni Cattle & Poultry Feeds (Pvt.) Ltd

Address: Jalan Industrial Complex, (Gate No. 3, Line No. 4)

Vill & P.O. Baniara, Howrah-711 411.

.....OPPOSITE PARTY/COMPANY

A W A R D

Dated: 18.06.2025.

ISSUES TO BE ADJUDICATED

- (1) Whether the termination of services of (1) Shri Karuprasad Yadav, (2) Shri Yamuna Yadav and (3) Shri Baleswar Yadav by way of refusal of employment with effect from 28.01.2007 are justified?
- (2) What relief, if any, are they entitled to?

Written Statement of Union

The Union of workmen in support of their case and claim submitted their following Written Statements, contending inter-alia :

- (1) That M/s. Uni Cattle & Poultry Feeds (Pvt.) Ltd. (hereinafter referred to as the said Company) is a poultry feed manufacturing company and had been producing poultry feed products since its inception in the year 2001 with the brand name as “Shakti” at its Baniare (Howrah) factory and about 45 employees were working there.
- (2) That the Company earns huge profits year after year with the exploitation of the workmen.
- (3) That the concerned workmen were the permanent workmen. They used to work in Baniara factory of the company situated in Howrah since 2001. They discharged their duties with sincerity without any spot. All of them were covered under ESI scheme.
- (4) That there were lot of grievances of the workmen against the management of the Company and as a result of which they were forced to join an omni-bus union namely “Shramik Union” (hereinafter referred to the said Union) and subsequently formed a unit of the said “Sramik Union” at the factory at Baniara (Howrah).
- (5) That by a letter dated January 10, 2005 the said Union lodged a complaint to the Employees Provident Fund Organization, Howrah Sub-Regional Office, regarding coverage of provident fund.
- (6) Agitation, slogan and other Union activities were done by the employees under the concerned workmen against the company to redress their various grievances.
- (7) Due to the said trade union activities, concerned workmen were refused to employment on and from January 28, 2007. Sri Baleswar Yadav, one of the concerned workmen by his letter Dated 14.02.2007 lodged a complaint to the Officer-in-Charge, Domjur Police Station, and stating inter-alia about his arbitrary, unjustified and illegal termination of service by way of refusal of employment on and from 28.01.2007. A copy of which was sent to the Labour Commissioner for information and necessary action. Two other concerned workmen namely Sri Karuprasad Yadav and Sri Jamuna Yada also submitted identical complaints by their letters, both dated 18.02.2007 to the Officer-in-Charge, Domjur Police Station. Concerned workmen also sent their identical letters Dated 18.03.2007 to the Company regarding their termination by way of refusal of employment by registered post with A/D.
- (8) Several conciliation meetings were conducted but due to the adamant and un-comprising attitude of management of the Company, the dispute could not be settled.
- (9) That during conciliation process the Company submitted three identical comments Dated 17.07.2007 in respect of three concerned workmen. The Company further

submitted their identical representations Dated 16.10.2008. Contradictory stand taken by the Company. Workmen concerned by their letters dated 20.07.2007 and Dated 05.03.2009 denied and disputed the allegations raised against them by the Company.

- (10) After refusal of employment, concerned workmen are out of employment. At the time of termination from service their wages stood at Rs. 4,000/- (approx) per month. Had they been in service they would have earned more wages now.
- (11) That the workmen submit that the termination of their service by way of refusal of employment is unjust and illegal and consequently they are entitled to reinstatement in service with full back wages.

Written Statement of the OP/Company

Save and except their specific admitted facts the OP/Company denying and disputing the allegations made against them in the Written Statement of Applicant/Union of workmen made following statements in their Written Statement, contending inter-alia :

1. That the Company after going through the Written Statement of Union emphatically submits that there has been no industrial dispute at any point of time between the Company and the workmen as alleged and as has been referred to the Ld. Tribunal for adjudication with the issues framed in the order of reference.
2. That before dealing with the Written Statements, the company craves leave of the Ld. Tribunal to make it clear that the Company has not made any application, nor filed any case, so the company cannot be placed as applicant wrongly as made in the cause title of the instant case. Be that as it may, subject to the correction of the cause title the Company deals with the Written Statement dividing it into two parts, namely, Part-‘A’ and Part-‘B’. In Part-‘A’, the OP/Company takes up some preliminary points touching the question of maintainability of the instant case, while in Part-‘B’, the Company traverses in seriatim the different paragraphs of the Written Statements of the Workmen.

PART-A

3. It is a matter of record that each of the workmen as appearing in the cause title raised purported dispute individually and their disputes were registered under separate numbers and in separate files. For example, the dispute of Shri Yamuna Jadav was registered under File No. 1227/8/07/DLC/ How; that of Shri Karu Prasad Jadav was registered under file No. 1226/7/07/DLC/ How and that of Shri Baleswar Jadav was registered under File No. 1225/6/07/DLC/ How. So, those 3 separate and distinct but purported disputes cannot be clubbed together under single and common order of reference, particularly when the Company has made out a case of long and unauthorized absenteeism by each of the workmen as specified in the order of reference. It is respectfully submitted that order of reference is bad in the sense that 3

separate but purported dispute of 3 individual workmen have been clubbed together under one and common order of reference, while 3 separate orders of reference requiring 3 separate awards will be imperative for the purpose of proper adjudication of the issues.

4. That the Labour Department, Govt. of West Bengal has erred in accepting the case of alleged termination by way of refusal of employment of the concerned workmen and discarding the case of long unauthorized absenteeism of service as made out by the Company. Thus, the order of reference is not based on the factual background underlying in the instant case. Thus, it suffers from inherent defect and once the Order of Reference is defective the entire proceeding is destined to be defective.
5. That the Labour Department, Govt. of West Bengal has also erred in not considering the fact that the names of the workmen were removed from the roll of the Company on 13.09.2006, which is the actual date of discharge of the workmen and not any other date as wrongly considered by the Labour Department.

PART-B

6. Denying the statements made in paragraphs 1, 2 & 3 of the Written Statements of workmen, the OP/Company stated that it has not 45 employees in its roll as alleged and it is also not a fact that the workmen had been in service since the year 2001 but they were working since the year 2005 as casual employees in the factory at Baniapara, Howrah.
7. It was further contended that although the workmen were provided with all benefits at par with other casual employees of the Company but the concerned 3 workmen were not sincere in their duties and often, they tried to create troubles in the factory by inciting other workmen in the factory against the management and caused hamper in the production of the Company.
8. Denying the existence of any recognized or registered trade union in the factory the OP/Company further stated in their Written Statements that had there been any such Union claim to have formed by the workmen but the Company had no approval for the same.
9. As regards the statements made in para 5 & 6 of the Written Statements of the workman the Company further stated that OP/Company is already covered under PF and regularly deposited the respective PF contribution to the PF Authorities.
10. Denying the allegations of the workmen about refusal of their employment by their Company it has categorically stated by the OP/Company that since all those 3 workmen Jamuna Yadav, Baleswar Yadav and Karu Prasad Yadav remained absent from duty for a long period i.e. from 08.08.2006 which caused huge loss to the Company in production, the management under compelling circumstances removed them from its roll w.e.f. 13.09.2006 following the model of Standing Order.

11. Denying all other allegations the OP/Company further stated that being misguided with false and frivolous allegations of the workmen the Govt. of West Bengal erroneously referred this dispute before this Tribunal for adjudication. Hence, the OP/Company is not liable to make any payment towards full back wages and the workmen are also not entitled to reinstate as prayed for in their Claim Application/Written Statement.

DECISIONS WITH REASONS

The Applicant/Union of Workmen in order to establish their case adduced the oral evidence of three witnesses, including two workmen Shri Jamuna Yadav and Shri Karu Prasad Yadav and one Shri Nirmal Ghosal as WW-1, WW-2 & WW-3 respectively and adduced so many documentary evidences, which have been exhibited as Exhibit-1 to Exhibit-14 respectively.

The documents exhibited are as follows:

Exhibit-1	Workman's complain to O.C., Domjur P.S. Dated 18.02.2007.
Exhibit-1/1	Workman's complain to O.C., Domjur P.S. Dated 18.02.2007.
Exhibit-1/2	Workman's complain to O.C., Domjur P.S. Dated 14.02.2007.
Exhibit-2	Workman's letter to the Company Dated 18.03.2007.
Exhibit-2/1	Workman's letter to the Company Dated 18.03.2007.
Exhibit-2/2	Workman's letter to the Company Dated 18.03.2007.
Exhibit-3	Workman's letter to the Addl. Labour Commissioner Dated 20.07.2007.
Exhibit-3/1	Workman's letter to the Addl. Labour Commissioner Dated 20.07.2007.
Exhibit-3/2	Workman's letter to the Addl. Labour Commissioner Dated 20.07.2007.
Exhibit-4	Workman's letter to the Addl. Labour Commissioner Dated 05.03.2009.
Exhibit-4/1	Workman's letter to the Addl. Labour Commissioner Dated 05.03.2009.
Exhibit-4/2	Workman's letter to the Addl. Labour Commissioner Dated 05.03.2009.
Exhibit-5 (collectively)	Copies of Conciliation Notices to the Company by Asst. Labour Commissioner In respect of workman Shri Jamuna Jadav.
Exhibit-6 (collectively)	Copies of Conciliation Notices to the Company by Asst. Labour Commissioner In respect of Shri Baleswar Jadav.
Exhibit-7 (collectively)	Copies of Conciliation Notices to the Company by Asst. Labour Commissioner in respect of Shri Karuprasad Jadav.
Exhibit-8	Xerox copy of letter to the Company by Shri Karuprasad Jadav.
Exhibit-9	Xerox copy of Complaint letter to the OC, Domjur Police Station Dt. 20.02.07.
Exhibit-10	Sealed envelope with A/D of representation sent to the Company.
Exhibit-11	Xerox copy of letter to the Company by Addl. Labour Commissioner.
Exhibit-12	Xerox copy of Sramik Union's letter Dt. 10.01.2005 to the Employees PF Organizationalong with list of workmen.
Exhibit-13	Xerox copy of Union's letter Dt. 10.02.07 to Company.
Exhibit-14	Xerox copy of Union's letter Dt. 20.03.07 to Company.

On the contrary the OP/Company M/s. UNI Cattle & Poultry Feeds Pvt. Ltd. to establish their case have examined one witness Mr. Varun Daga as C.W.-1 and also exhibited some documentary evidences as Exhibit-A to Exhibit-F/.3 respectively, which are as follows:

Exhibit-A	Photocopy of Company's letter to Addl. Labour Commissioner Dated 17.07.2007.
Exhibit-A/1	Photocopy of Company's letter to Addl. Labour Commissioner Dated 17.07.2007.
Exhibit-A/2	Photocopy of Company's letter Dated 17.07.2007 addressed to the Addl. Labour Commissioner.
Exhibit-B	Photocopy of Company's letter to Shri Baleshwar Yadav.
Exhibit-B/1	Photocopy of a Company's letter Dated 18.11.2006 to Shri Kanu Prasad.
Exhibit-B/2	Photocopy of Company's letter Dated 10.09.2006 to Sri Jamuna Yadav.
Exhibit-C	Photocopy of Company's letter Dated 08.09.2009 to the Addl. Labour Commissioner.
Exhibit-C/1 (collectively)	Photocopy of news circular along with enclosures.
Exhibit-D	Certificate of registration.
Exhibit-E	Letter by the Managing Director of OP / Company to the Addl. Labour Commissioner Dated 16.10.2008.
Exhibit-F	Receipt of payment issued for Venus Security Services along with Calculation sheet.
Exhibit-F/1	Receipt of payment issued for Venus Security Services along with Calculation sheet.
Exhibit-F/2	Receipt of payment issued for Venus Security Services along with Calculation sheets.
Exhibit-F/3	Receipt of payment issued for Venus Security Services.

The Ld. Counsel representing the OP/Company in addition to his oral argument has filed a written notes of argument contending inter alia that initially an Omnibus Union claim to have existed in the factory of the Company which represented the alleged industrial disputes of the workmen but actually there is no existence of such Worker's Union in the factory of the OP/Company and as a result of which the purported Union has no locus-standi to represent the concerned workmen and to proceed with the instant case. However, subsequently none turn up or take care of the proceeding of this case from the said Union and no document could be produced by the Union or by the workmen to show that at any point of time they were members of the purported Union. As a result of which the instant case at the instance of Union is not maintainable. In Para-4 of the Written Statement of the applicant/workmen it has been mentioned that there is an Omnibus Union and in Para-9 of the Written Statement of the OP/Company it has been mentioned by the Company that there was no registered Trade Union in the factory formed by its employees and recognized by the Company. However, during cross-examination of a workman Shri Jamuna Yadav as WW-1 it was categorically admitted by him that, "he was absent from his duty on and from 08.08.2006 and went to join his duty on 28.01.2007 when he was not allowed to do his duty".

Relying upon the decisions of Hon'ble Calcutta High Court as reported in 1997 - LIC page 1153 and 1976 Vol. 9 LIIC page 1685 Para-7 & 8 the Ld. Counsel of the OP/Company further argued that the basic requirement of a Universe Union to produce the membership of the registered Trade Union and the resolution of the meeting as well as authorization of the Union by the concerned employees and to satisfy that the Union has got locus-standi to proceed with the case. In absence of such thing the reference espoused by the Union is not maintainable. But no such basic requirement could be established by the Union by producing any such evidence. It was stated by the workmen that they made written complaints to the OC, Domjur Police Station on 14.02.2007 and 18.02.2007 and they exhibited those written complaints before this Tribunal as Exhibit-1, Exhibit-1/1 and Exhibit-1/2 respectively, but none of the said exhibited written complaints bears any endorsement with seal of the concerned Police Station to show that the same were received by the Police Station. The industrial dispute was raised by the workman on 16.10.2010 when the workmen were found absenting from their duties since 08.08.2006 without any intimation to the management but no such document could be produced by the workmen to show that they raised dispute about alleged refusal of employment from the date i.e. 28.01.2007 to 16.10.2010.

It was further argued by the Ld. Counsel of the OP/Company that as per settled position of law onus is upon the Workmen/Union to prove that they were refused by the OP/Company to join their duty on 28.01.2007. But the materials on record and evidences of the parties goes to show that none of the workmen was refused by the OP/Company to join his duty on 28.01.2007, on the contrary it proves from Exhibit-3 that they have been absenting from duty w.e.f. 08.08.2006.

It was further argued by the Ld. Counsel of the OP/Company that the written statements claim to have been filed by the workmen bears the signature of only one workman namely Jamuna Jadav and there is no such statement made by him in its verification to the effect that he was authorized by the other two workmen to file such written statement on their behalf. No such other written statement was filed by other two workmen. So, in absence of any such authorization of other two workmen in filing such written statement it appears that they have no locus-standi to proceed with this case and is not entitled to get any relief as prayed for and the instant case is liable to be dismissed in limini.

It is pertinent to point out here that in course of fresh hearing of arguments of this case before this 4th Industrial Tribunal several dates were fixed by giving several opportunities to the parties to make their arguments and the Ld. Counsel representing the OP/Company although made his arguments but neither any workmen nor their representative appeared to make argument on behalf of the Applicant/Workmen.

Having heard the arguments of Ld. Counsel of the OP/Company and on careful perusal of the materials on record, including the oral as well as documentary evidences of both the parties, admittedly it appears that the relationship between the parties as Workmen and Employer/Company is not disputed.

There is no dispute that the applicant workmen Shri Jamuna Yadav used to work in the factory of OP/Company since the year 2005. But it was claimed by the OP/Company that all the said three workmen used to work as a casual labourers for loading and unloading purpose. Having perusal of the materials on record including evidences of the parties, admittedly it appears that nothing could be produced by the workmen to establish that they were permanent employees of the OP/Company.

It was claimed by the workmen that they got registered with Provident Fund and ESI facility. To establish their said claim that they got registered with provident fund and ESI facilities, the concerned workmen ought to have produced documents, showing registration as workmen with the concerned authorities, but they could not produce any such documents to establish their said claim. On the other hand, OP/Company has produced attendance register and the other documents which goes to show that the applicant workman used to work in the factory of the company under a contractor namely 'Venus Security Services'. To rebut the presumption of such documents nothing could be produced from the end of the Applicant/Union of Workmen to establish that on they used to work as a permanent employee under the OP/Company.

Although, it was claimed by the Applicant/Union of Workmen that an 'Omnibus Union' was existing in the factory of the Company and they were the member of the said Union namely 'Shramik Union' and it was also claimed that the said Union represented the alleged industrial disputes of the workmen but the fact remains that nothing convincing document could be produced either from the end of the concerned Union or from the Workmen that they belong to any registered Trade Union which was duly registered under Trade Union Act. To establish their claim that they were the members of the said 'Shramik Union' the Applicant/Union of Workmen could have produced register of the Union or receipt, showing payment of subscription by the Workmen to the Union but except oral evidence of one Shri Nirmal Ghosal as WW-3, no other convincing documentary evidence could be produced from the end of the Applicant/Union of Workmen. No documentary evidence could be produced by the Applicant/Union of Workmen to establish that the said 'Shramik Union' was a registered Trade Union under Trade Union Act or affiliated to any 'Registered Trade Union'. Although, it was stated by the said WW-3 Shri Nirmal Ghosal, that the concerned workers became members of 'Shramik Union' in the beginning of January 2005, but it was categorically admitted by him that he did not file any document in respect of the said membership. Although, he stated that the registration number of their Union is 3944, but he could not produce any documentary evidence to that effect with the date of such registration. On the contrary, during evidence it was deposed by the witness of the OP/Company i.e., CW-1 Shri Varun Dagha, that approximately 18/19 employees were working in the factory under the contractor, who used to be supplied by the contractor. He could not say that, after settlement how many employees were retained by the company. He also could not say, whether the concerned workmen were covered by ESI and PF.

So, in absence of required convincing evidence from the end of the Applicant/Union of workmen and considering the aforesaid discrepancies and futile evidence from the end of the Applicant/Union of workman, I find nothing convincing to hold that the purported 'Shramik Union' has got any locus-standi to raise dispute for and on behalf of concerned three workmen. Even after accepting the representation of the concerned workmen to raise dispute in person, if we go through their evidence, then nothing convincing would appear to substantiate their claim that they were permanent employees of the OP/Company or that they were not worked in the factory of the Company under the contractor namely 'Venus Security Services'. The purported contractor i.e., 'Venus Security Services' has not made party in this case.

The fact remains that one applicant workman Shri Yamuna Jadav as WW-1, in his evidence during cross-examination categorically admitted that, "he was absent from duty on and from 08.08.2006 and went to the Company to attend his duty on 28.01.2007 when he was refused by the Company". So far the pleadings of the Applicant/Union of Workmen is concerned, that they made written complaints to the OC, Domjur Police Station on 14.02.2007 and 18.02.2007 and they exhibited those written complaints before this Tribunal as Exhibit-1, Exhibit-1/1 and Exhibit-1/2 respectively, but admittedly it appears that none of the said purported written complaint bears any endorsement with seal of the concerned Police Station to show that the same were at all received by the concerned Police Station at any point of time. However, from the above discussed cause and conduct of the concerned workmen undoubtedly it goes to show that all of them are in the same footings.

So, from his aforesaid self-demolishing evidence, it is established on admission, that due to unauthorized absence of the workmen for a long period since they were at fault the OP/Company was justified in terminating them from employment by refusing their joining in the factory again.

Having perusal of the written statement and the evidences of the Applicant/Union of Workmen when it appears that other two workmen were in same footing with the workman Shri Yamuna Jadav and all of them claim to have terminated from employment w.e.f. 28.01.2007 due to their long absenteeism and all of them raised their disputes together in the same period with same ground then there is no hesitation to hold that the OP/Company was also justified in terminating them from employment by refusing their joining in the factory again.

Having perusal of the exhibited documents and the pleading of Applicant/Union of Workman it appears that although it was claimed by the Applicant/Union of Workman that they have been refused from employment since 28.01.2007 and they informed the matter to OC Domjur Police Station on 18.02.2007 but the fact remains that there is no endorsement with the seal of the concerned Police Station to show that the said letters of information were at all received by the concerned Police Station on the alleged date i.e., on 18.02.2007. Although it was claimed by the Applicant/Union of Workman in their pleadings that on the same date i.e., on 18.02.2007 they also raised the dispute before the management of the

OP/Company by sending letter by registered post but having perusal of the said letter i.e., Exhibited-2 (series), it appears that although dates were written in those letters by overwriting of the month as 18.03.2007 in place of 18.02.2007 but the postal receipt shows that the consignment was registered on 19.03.2007. There is no explanation from the end of the Applicant/Union of Workman as to the cause of raising such dispute before the management of the OP/Company at such belated stage. However, the Exhibit-3 (series) goes to show that the alleged dispute was raised before the Additional Labour Commissioner on 20.07.2007 by submitting 3 letters by the concerned 3 workmen. In this case the workmen have no explanation about their delay in raising such dispute before the Additional Labour Commissioner when the alleged incident claimed to have taken place on 28.01.2007 i.e., about 6 months back.

So, keeping in mind all the above discussed conduct and laches on the part of the concerned workmen, I am of the reasonable view that due to their prolong absenteeism all the three concerned workmen were at fault in their service, which justified their termination from the service. As a result of which they are not entitled to get any relief as prayed for.

All the issues are accordingly adjudicated against the Applicant/Union of Workmen.

Hence, it is

ORDERED

that the orders of termination of services of (1) Shri Karuprasad Yadav, (2) Shri Yamuna Yadav and (3) Shri Baleswar Yadav by way of refusal of employment with effect from 28.01.2007 are decided to be justified.

The instant case under reference is accordingly dismissed on contest, but without any order as to cost.

This is my award.

Let a copy of this order be sent on line in PDF form to the Secretary, Labour Department, Government of West Bengal, N.S. Buildings through the dedicated e-mail for information and doing subsequent action as per provision of law.

Dictated & Corrected by me

Sd/-
Judge

Sd/-
Judge
Fourth Industrial Tribunal
& i/c of First Industrial Tribunal,
Kolkata.
18.06.2025