

1/426534/2023

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

No. Labr/. 737/(LC-IR)/22015(16)/6/23 Date: 14/08/2023.

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. Labr/191/(LC-IR)/22015(16)/6/23 dated 15/03/2023 the Industrial Dispute between M/s. Indira I.V.F Hospital Pvt. Ltd., 3rd floor, Regal Plaza, G.T. Road, Murgasole, Asansol - 713303, Paschim Bardhaman and its workman Sri Goutam Bayen, 3 No. Mahisila Colony, Durgamandir, Ambagan, P.O.&P.S. - Asansole(s), Paschim Bardhaman, Pin - 713303 regarding the issue mentioned in the said order, being a matter specified in the Second / Third Schedule to the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Judge, Ninth Industrial Tribunal, West Bengal.

AND WHEREAS the Ninth Industrial Tribunal, West Bengal, has submitted to the State Government its award dated 25/07/2023 in case No. 08/2023 on the said Industrial Dispute vide memo no. 115 - I.T. dated - 26/07/2023.

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,

Sdt
Assistant Secretary
to the Government of West Bengal

1/426534/2023

No. Labr/737/15/(LC-IR)

Date: 14/08 . . /2023.

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

1. M/s. Indira I.V.F Hospital Pvt. Ltd., 3rd floor, Regal Plaza, G.T. Road, Murgasole, Asansol – 713303, Paschim Bardhaman.
2. Sri Goutam Bayen, 3 No. Mahisila Colony, Durgamandir, Ambagan, P.O.&P.S. – Asansole(s), Paschim Bardhaman, Pin - 713303.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B. New Secretariate Building, 1, K. S. Roy Road, 11th Floor, Kolkata- 700001.
5. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.



Assistant Secretary

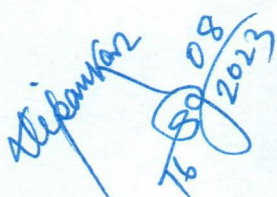
No. Labr/737/22/(LC-IR)

Date: 14/08 . . /2023.

Copy forwarded for information to:

1. The Judge, Ninth Industrial Tribunal, West Bengal, Durgapur, Administrative Building, City Centre, Pin - 713216 with reference to his Memo No. 115- I.T. dated - 26/07/2023.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.

Assistant Secretary



In the matter of an Industrial dispute between M/S. Indra IVF Hospital Pvt.Ltd, 3rd Floor, Regal Plaza, G.T.Road, Murgasole, Asansol, Dist- Paschim Bardhaman and its workman Sri Goutam Bayn, 3 No. Mohishila Colony, Durgapur, Ambagan, P.O.& P.S-Asansol(s), Dist-Paschim Bardhaman.

Case No. 08 / 2023



**BEFORE THE 9TH INDUSTRIAL TRIBUNAL,
DURGAPUR, WEST BENGAL, KOLKATA.**

**PRESENT :- SHRI SUJIT KUMAR MEHROTRA,
JUDGE, 9th INDUSTRIAL TRIBUNAL,
DURGAPUR.**

Ld. Advocate for the Workmen: - Workman in person.

Ld. Advocate for the Employer:- Mr. Subhas Chakroborty & Indrajit Mandol.

The award dated 25th day of July, 2023.

A W A R D

C.R is taken up for passing order as the workman failed to appear and take steps on number of dates.

Perused the entire CR. Considered.

It transpires from the CR that the Govt.of West Bengal through its Sr.Deputy Secretary, Labour Deptt. vide reference no. Labr./191/(LC-IR)/22015(16)/6/2023 dated 15.03.2023 referred the Industrial Disputes between the parties, as mentioned herein above, for adjudication under the Industrial Disputes Act, 1947 (hereinafter referred to as Act of 1947) for adjudication.

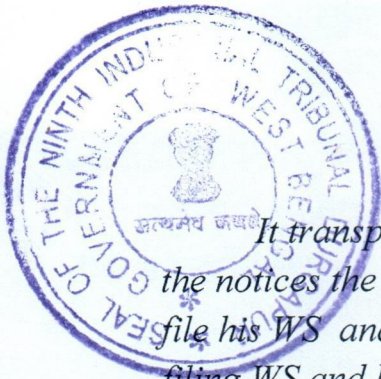
The Sr.Deputy Secretary in exercise of the power conferred by U/S 10 of the Act, 1947 referred the industrial disputes for adjudication after framing the following issues :

- 1) Whether the refusal of employment of the workman namely Sri Goutam Bayen by the management of M/S. Indra IVF Hospital Pvt.Ltd. by way of forceful resignation on 02.02.2020 is justified ?*
- 2) To what relief, if any, is he entitled?*

After received of the aforementioned reference order this tribunal registered the instant case U/S 10 of the Act of 1947 and issued notice to the parties referred.

(Contd...P/2)

Sd/-
**JUDGE
NINTH INDUSTRIAL TRIBUNAL DURGAPUR
GOVT. OF WEST BENGAL**



It transpires from the Order No.2 dated 28.04.2023 that in consequence of the notices the above named workman personally appeared and prayed for time to file his WS and the same was allowed by this tribunal by fixing 18.05.2023 for filing WS and list of documents by the workman. However, employer appears through its ld.lawyers by filing their vokalatnama.

CR further reveals that on 18.05.2023 although ld.lawyer for the employer was present and the workman neither appeared nor filed his WS but this tribunal did not pass any adverse order on that day against him and gave further opportunity to him to file his WS and list of documents on 05.06.2023.

However, it further transpires from the CR that on 05.06.2023 the workman again failed to appear and to file his WS but this tribunal again issued notice to him by post directing him to appear on 16.06.2023. Curiously enough, although the notice upon the workman was duly received by him but he failed to appear on 16.06.2023 as well as on the next two consecutive dates i.e on 04.07.2023 & 19.07.2023 and the employer was duly represented by its ld. lawyer.

Having regard to the above facts and circumstances I am of the view that workman do not want to proceed further with the instant case and there exists no industrial disputes between the above-named workman and M.S Indira IVF Hospital Pvt.Ltd.

Hence, it is,

Ordered

that the reference under Section 10 of the Industrial Disputes Act, 1947, is disposed of as no dispute award between the parties but without cost.

This is my award.

Send a copy of this award to the Additional Chief Secretary, Labour Department, Govt. of West Bengal for information and doing the needful from his end.

D/C by me,

Sd/- Sri Sejit Kumar Mehra,
 Sd/- Judge, 25.7.23.

JUDGE

NINTH INDUSTRIAL TRIBUNAL DURGAPUR
GOVT. OF WEST BENGAL

Sd/- Sri Sejit Kumar Mehra,
 Sd/- Judge, 25.7.23.

9th Industrial Tribunal, Durgapur

JUDGE

NINTH INDUSTRIAL TRIBUNAL DURGAPUR
GOVT. OF WEST BENGAL