

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

No. Labr/ 758 / (LC-IR)/22015/6/2018

Date : 06-08-2024

ORDER

WHEREAS under reference of Labour Department's Order No. Labr./519/(LC-IR)/22015(16)/328/2018 dated 18.07.2018 the Industrial Dispute between M/s. Kingsley Industries Ltd., 7, Chittaranjan Avenue, Kolkata – 700072 and its workman Sri Dinesh Tiwary, 47/H/6, Lockgate Road, Cossipore, Kolkata – 700002 regarding the issues mentioned in the said order, being a matter specified in the Second Schedule to the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Eighth Industrial Tribunal, Kolkata.

AND WHEREAS the said Eighth Industrial Tribunal, Kolkata, has submitted to the State Government its Award dated 29.07.2024 in case No. VIII-19/2018 u/s 10 of the I. D. Act, 1947 on the said Industrial Dispute vide Memo No. Dte./8th I.T/085/2024 dated 29.07.2024.

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,

Sd/-
Assistant Secretary

to the Government of West Bengal

No. Labr/ 758 /1(6)/(LC-IR)

Date : 06-08-2024

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

1. M/s. Kingsley Industries Ltd., 7, Chittaranjan Avenue, Kolkata – 700072.
2. Sri Dinesh Tiwary, 47/H/6, Lockgate Road, Cossipore, Kolkata – 700002.
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 the request to cast the Award in the Department's website.

Bn
Assistant Secretary

No. Labr/ 758 /2(3)/(LC-IR)

Date : 06-08-2024

Copy forwarded for information to :

1. The Judge, Eighth Industrial Tribunal, Kolkata, N.S. Building, 2nd Floor, 1, K.S. Roy Road, Kolkata-700001 with reference to his Memo No. Dte./8th IT/085/2024 dated 29.07.2024.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.
3. Office Copy.

Assistant Secretary

Sandeep Datta
07/08/24

In the matter of an industrial dispute between M/s. Kingsley Industries Ltd., 7, Chittaranjan Avenue, Kolkata – 700072 and its workman Sri Dinesh Tiwary, 47/H/6, Lockgate Road, Cossipore, Kolkata - 700002 referred to this Tribunal Vide G. O. No. Labr./519/(LC-IR)/22015(16)/328/2018 dated 18/07/2018 and reference no. 3115-IR/IR/3A-6/59, dated 21/06/1960.

(Case No. VIII-19/2018)

Before the Eighth Industrial Tribunal: West Bengal
Present Sri Amit Chattopadhyay,
Judge, Eighth Industrial Tribunal,
West Bengal.

A W A R D

Dated 29.07.2024

An industrial dispute between M/s. Kingsley Industries Ltd., 7, Chittaranjan Avenue, Kolkata – 700072 and its workman Sri Dinesh Tiwary, 47/H/6, Lockgate Road, Cossipore, Kolkata - 700002 Vide G. O. No. Labr./519/(LC-IR)/22015(16)/328/2018 dated 18/07/2018 and reference no. 3115-IR/IR/3A-6/59, dated 21/06/1960 referred to this Tribunal for adjudication.

The said Seventh Industrial Tribunal shall submit its award to the State Government within a period of three months from the date of receipt of this order by the said Seventh Industrial Tribunal in terms of Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), subject to the other provision or provisions of the said Act.

The said Seventh Industrial Tribunal shall meet at such places and on such dates as it may direct.

I S S U E (S)

1. Whether the termination of service of Sri Dinesh Tiwary, w.e.f. 01.07.2016 by the management of M/s. Kingsley Industries Ltd. is justified ?
2. To what relief, if any, is he entitled ?

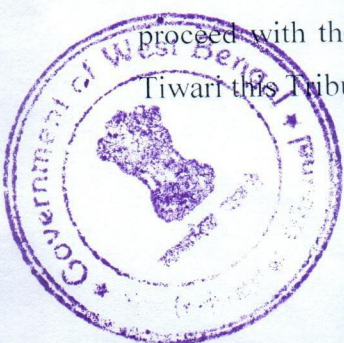
In view of G.O. No. Labr./700/(LC-IR)/23099/15/2019 dated 26.07.2019 this case has been withdrawn from the file of Seventh Industrial Tribunal and has been transferred to this Tribunal i.e. Eighth Industrial Tribunal, Kolkata for disposal.

The case record is taken up for passing order.

On scrutiny of the entire record I find that Dinesh Tiwari the applicant was examined as P.W.-1 on 05.03.2021 and his examination-in-chief was deferred on verbal prayer of the Ld. Advocate for the applicant. It also appears that after remaining vacant this Court for a long period after joining the regular P.O. although Ld. Advocate for the management M/s. Kingsley Industries Ltd. was present, neither workman nor his Ld. Advocate appeared before the Court. Then from 25.05.2024 in spite of issuance of show cause notice to the workman for several times directing for appearance and S/R of the workman, none appeared on behalf of the workman nor any S/R was received.

Therefore, it is crystal clear from the above conduct of the workman that he is not interested to proceed with the instant case any further. In view of the aforesaid conduct of the workman Sri Dinesh Tiwari this Tribunal has no hesitation to hold that there is no dispute exists at present between the parties

Contd. ...2



and as such the case is liable to be disposed off in view of Rule 22 of the West Bengal Industrial Dispute Rule, 1958.

Hence, it is

ORDERED

that the industrial dispute being No. VIII-19 of 2018 of the Industrial Disputes Act, 1947 under reference no. 3115-IR/IR/3A-6/59, dated 21/06/1960 and also vide reference order no. abr./519/(LC-IR) /22015(16)/328/2018 dated 18/07/2018 is no longer in-existence and accordingly the case is disposed off and this order is to be treated as No Dispute Award between the parties.

Dictated & Corrected by me

-Sd-
Judge

Judge
8th Industrial Tribunal
Govt. of West Bengal



-Sd-
Judge
Eighth Industrial Tribunal
Kolkata
29.07.2024

Judge
8th Industrial Tribunal
Govt. of West Bengal