

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

No. Labr/ 759 /(LC-IR)/22015(16)/48/2024

Date : 06-08-2024

ORDER

WHEREAS an industrial dispute existed between M/s. Taj Bengal Hotel, 34B, Belvedere Road, Alipore, Kolkata - 700027 and Smt. Mansa Choubey, 126, Usha Park, New Subadha Apartment, Block – D, Room No. 14, Bansdrone, Kolkata – 700084 regarding the issues, being a matter specified in the second schedule to the Industrial Dispute Act, 1947 (14 of 1947) ;

AND WHEREAS the parties have filed an application under section 10(1B)(d) of the Industrial Dispute Act, 1947 (14 of 1947) to the Seventh Industrial Tribunal, Kolkata specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997 ;

AND WHEREAS the said Seventh Industrial Tribunal, Kolkata has submitted to the State Government its Award dated 07.06.2024 in case No. - 10 of 2019 under section 10(1B)(d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide Memo No. Dte/7<sup>th</sup> I.T/170/2024 dated 30.07.2024 ;

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/ 759 /1(5)/(LC-IR)

Date : 06-08-2024

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

1. M/s Taj Bengal Hotel, 34B, Belvedere Road, Alipore, Kolkata - 700027.
2. Smt. Mansa Choubey, 126, Usha Park, New Subadha Apartment, Block – D, Room No. 14, Bansdrone, Kolkata – 700084.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The OSD & EO Labour Commissioner, W.B., New Secretariat Building, 11<sup>th</sup> Floor, 1, Kiran Sankar Roy Road, Kolkata – 700001.
- ✓ 5. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.

*[Signature]*  
Assistant Secretary

No. Labr/ 759 /2(3)/(LC-IR)

Date : 06-08-2024

Copy forwarded for information to :-

1. The Judge, Seventh Industrial Tribunal, N. S. Building, 3rd Floor, 1, K.S. Roy Road, Kolkata - 700001 with respect to his Memo No. Dte/7<sup>th</sup> I.T/170/2024 dated 30.07.2024.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.
3. Office Copy.

Assistant Secretary

*Sandeep Saha*  
07/08/24



In The Seventh Industrial Tribunal, West Bengal

Present: Ms. Yogita Gaurisaria, Judge, Seventh Industrial Tribunal.

Case No. 10 of 2019

Under Section 10(1B)(d)

Smt. Mansa Choubey, 126, Usha Park, New Subadha Apartment, Block – D,  
Room No. 14, Bansdrani, Kolkata – 700 084.

.....Applicant

-VS-

M/s. Hotel Taj Bengal, 34B, Belvedere Road. Alipore , Kolkata – 700 027.

.....Opposite Party

A W A R D

Dated 07.06.2024

The applicant is absent without steps.

Ld. Advocate for the O.P. is present.

Today is fixed for passing no dispute award in view of order no. 35 dt.  
24.05.2024.

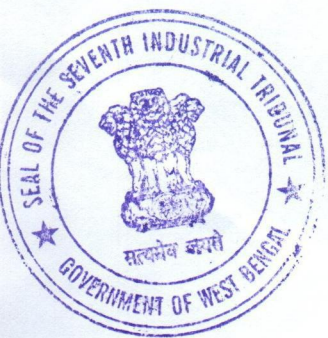
Case record is taken up for passing award.

This case has been filed by the applicant/workman Smt. Mansa Choubey under Section 10(1B)(d) of the Industrial Disputes Act, 1947 against her employer M/s. Hotel Taj Bengal in connection with termination of her service with effect from 20.04.2019 illegally with a prayer to reinstate her in service with full back wages and other consequential benefits.

Perused the case record wherefrom it appears that vide order dated 23.08.2023 show cause was issued fixing 23.11.2023 for appearance and filing reply to show cause by the applicant as to why no dispute award shall not be passed in view of her non appearance before this Tribunal.

It further appears from order dated 07.02.2024 that the envelope containing notice sent to the applicant has been received back with the postal remark “ No Such Person”. Thereafter, on the said date fresh notice was issued upon the applicant for appearance and filing reply to show cause by the applicant as to why no dispute award shall not be passed in view of her non appearance before this Tribunal.

*Sd/-*  
Judge  
Seventh Industrial Tribunal  
07.06.24





It further appears from 18.03.2024 that the envelope containing notice sent to the applicant was received back with the postal remark "Left". Thereafter, again a notice was issued upon the applicant fixing 24.05.2024 for appearance and filing reply to show cause by the applicant as to why no dispute award shall not be passed in view of her non appearance before this Tribunal. It also appears from order dated 24.05.2024 that the envelope containing notice sent to the applicant was received back with the postal remark "D/L, No Such Person". It further appears from the said order that the Ld. Advocate for the O.P. submitted that since more than 1(one) year the applicant is not been appearing before this Tribunal and in catena of cases the Hon'ble Supreme Court has in cases of the postal remark "Door Lock/Long Door Lock" inter alia held that due service has to be presumed. The Ld. Advocate for the O.P./Company further submitted that the conduct of the applicant implies that she/applicant is not willing to proceed with the matter and prayed to pass no dispute award in this case. It further appears that on that date this Tribunal presumed due service of notice upon the applicant.

The Ld. Advocate for the O.P. relied on [ (2017) SCC 737 Para – 15].

In view of the above circumstances, it appears that the applicant did not think it necessary to appear before this Tribunal and to file reply to show cause in view of order no. 35 dated 24.05.2024. Therefore, it is clear that the applicant is not willing to proceed further with his present case/dispute.

In view of the aforesaid conduct of the applicant, this Tribunal holds that no industrial disputes exist in between the parties. So, I am inclined to pass a 'No Dispute' Award on the footings that Industrial Disputes under Rule 22 under West Bengal Industrial Dispute Rules, 1958 is no longer in existence.

Hence, it is

O r d e r e d

that the case being No. 10 of 2019 U/s 10(1B)(d) of the Industrial Disputes Act, 1947 be and the same is dismissed for non existence of any Industrial Dispute. This is to be treated as 'No Dispute Award'.

This is my award.

Dictated & Corrected by me

Sdt  
Judge

Judge  
Seventh Industrial Tribunal

Sdt  
Judge

Seventh Industrial Tribunal  
Kolkata  
07.06.2024

Judge  
Seventh Industrial Tribunal

Sdt  
Judge  
Seventh Industrial Tribunal  
07.06.24

