

I/218642/2022

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

No. Labr/ 845/(LC-IR)/22015(16)/41/2022

Date: 08/09/2022.

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. Labr/865-IR/I.R./11L-29/2006 dated 02.08.2007 the Industrial Dispute between M/s. Rajhans Restaurants & Hotels Pvt. Ltd., Naina, Falta, Sector – IV, South 24 Parganas and its workmen Hotel Rajhans Workers Union, Falta Export Processing Zone, Sector-IV, South 24 Parganas regarding the issue 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 Judge, First Industrial Tribunal, West Bengal.

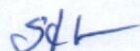
AND WHEREAS the First Industrial Tribunal, West Bengal, has submitted to the State Government its award dated 29/07/2022 on the said Industrial Dispute vide memo no. 1320 – L. T. dated. 25/08/2022.

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,



Joint Secretary
to the Government of West Bengal

/218642/2022

12/11/22
8/9/22
Amanda,
To

No. Labr/ 845/2(5) (LC-IR)

Date: 08/09/2022.

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

1. M/s. Rajhans Restaurants & Hotels Pvt. Ltd., Naina, Falta, Sector – IV, South 24 Parganas.
2. Hotel Rajhans Workers Union, Falta Export Processing Zone, Sector-IV, South 24 Parganas.
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 Sr. Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.

8/9/22
Joint Secretary

No. Labr/ 845/2(2) (LC-IR)

Date: 08/09/2022.

Copy forwarded for information to:

1. The Judge, First Industrial Tribunal, West Bengal with reference to his Memo No. 1320 – L. T. dated. 25/08/2022.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.

Sd/-
Joint Secretary

In the matter of an Industrial Disputes exists between Rajhans Restaurant & Hotel Pvt. Ltd. of Nainan, Falta, Sector-IV, South 24 Parganas and their Workmen represented by Hotel Rajhans Workers Union, Falta Export Processing Zone, Sector-IV, South 24 Parganas.

BEFORE THE FIRST INDUSTRIAL TRIBUNAL: WEST BENGAL

PRESENT

**SHRI UTTAM KUMAR NANDY, JUDGE
FIRST INDUSTRIAL TRIBUNAL, KOLKATA**

Date of Order: 29.07.2022

Case No.: VIII – 80/2007

vide No.-865-IP/IP/HL-29/2006 dt. 02.08.07
This industrial dispute has been referred_A by the Government of West Bengal between Rajhans Restaurant & Hotel Pvt. Ltd. of Nainan, Falta, Sector-IV, South 24 Parganas and their Workmen represented by Hotel Rajhans Workers Union, Falta Export Processing Zone, Sector-IV, South 24 Parganas for adjudication of the matter on the following issues and submitting its award to the State Government.

ISSUES

- 1) Whether the suspension of work declared by the management of Rajhans Restaurant & Hotel Pvt. Ltd. for the period from 08.09.2005 to 07.01.2006 is justified?
- 2) What relief, if any, are the Workmen entitled to?
- 3) Whether the management is justified in refusing employment to as many as 20 (twenty) permanent workmen (as per list enclosed) w.e.f. 08.01.2006?
- 4) Whether the management is justified in not paying service charges to 20 (twenty) permanent workmen w.e.f. April 2005?

It is revealed from the record that after receipt of the aforesaid reference of Government of West Bengal, notices were duly issued upon the parties who appeared on 12.09.2007 and also filed their respective statement of claim and list of documents along with the documents and ultimately documents have been exchanged between the parties and thereafter



evidence was started on and from 25.09.2008 from the side of the Union and the same was closed on 21.09.2017 when the evidence of CW-1 stood expunged because of the fact that the Company after getting opportunities on number of occasions to produce CW-1 before this Tribunal but failed.

Thereafter, the record was fixed for argument on 09.11.2017 and it was allowed to continue till 11.02.2021 and lastly the case was fixed for argument on exparte since the Company did not appear till 09.03.2021.

In spite of the above facts and circumstances none of the parties specially the Union appeared even repeated service of notices asking them to appear before this Tribunal but no result was found till 29.07.2022 when the case is taken up for Award on the ground of No Dispute.

Thus, considering the above facts and circumstances coupled with the conduct of the Union this Tribunal has been forced to held that the Union being the applicant itself is not willing to proceed with the case further and therefore, this industrial dispute should be no longer in existence by and between the parties thereto.

In these circumstances a "No Dispute Award" should be passed on the footings of the present industrial dispute raised by the Union named Hotel Rajhans Workers Union which will sub-serve the interest of justice.

This is my Award.

The Award be sent to the Government immediately.

Sd/-

Dictated and Corrected by me

(UTTAM KUMAR NANDY)

Sd/-

Judge

First Industrial Tribunal
Kolkata

Judge

JUDGE
FIRST INDUSTRIAL TRIBUNAL
WEST BENGAL

JUDGE
FIRST INDUSTRIAL TRIBUNAL
WEST BENGAL

