

I/553001/2024

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

No. Labr/ 853 / (LC-IR)/22015(12)/2/2024

Date : 03-09-2024

ORDER

WHEREAS under reference of Labour Department's Order No. 626/(LC-IR)/22015(12)/30/2019 dated 24.07.2023 the Industrial Dispute between M/s. North Brook Jute Mills Company Ltd., P.O. – Baidyabati, Dist.- Hooghly, Pin – 712222 and its workman Sri Firoz Khan, 5, K.B.M. Road, Champdani, Dist. Hooghly 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 Third Industrial Tribunal, Kolkata.

AND WHEREAS the said Third Industrial Tribunal, Kolkata, has submitted to the State Government its Award dated 16.08.2024 in case No. 25/2023/10 u/s 10 of the I. D. Act, 1947 on the said Industrial Dispute vide Memo No. Dte./3rd IT/099/2024 dated 22.08.2024.

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/ 853 /1(5)/(LC-IR)/22015(12)/2/2024 *6 encls.*

Date 03-09-2024

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

1. M/s. North Brook Jute Mills Company Ltd., P.O. – Baidyabati, Dist.- Hooghly, Pin – 712222.
2. Sri Firoz Khan, 5, K.B.M. Road, Champdani, Dist. Hooghly.
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.

[Signature]
Assistant Secretary

No. Labr/ 853 /1(3)/(LC-IR)/22015(12)/2/2024

Date : 03-09-2024

Copy forwarded for information to :

1. The Judge, Third Industrial Tribunal, Kolkata, N.S. Building, 2nd Floor, 1, K.S. Roy Road, Kolkata-700001 with reference to his Memo No. Dte./3rd IT/099/2024 dated 22.08.2024.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.
3. Office Copy

Assistant Secretary

Ripangra Sen / Sandip Sen
03/09/24

In the Third Industrial Tribunal, West Bengal
New Secretariat Buildings, Kolkata

Present: Sri Mihir Kumar Mondal
Judge, 3rd Industrial Tribunal
Kolkata.

Case No.-25/2023/10; u/s. 10 of the I.D. Act, 1947

AWARD

Dated :16-08-2024

The Labour Department, Government of West Bengal has referred an Industrial Dispute between M/s. North Brook Jute Mills Company Ltd., P.O.-Baidyabati, Dist.-Hooghly, PIN-712222 and Its workman Firoz Khan, 5, K.B.M. Road, Champdani, Dist.-Hooghly to this Tribunal vide Order No. 626/(LC-IR)/22015(12)/30/2019 dated 24.07.2023 on the following issue(s) for adjudication:

ISSUES

- 1) Whether the dismissal of the workman Firoz Khan w.e.f. 21.11.2020 by the Management of M/s. North Brook Jute Mills Company Ltd., P.O.-Baidyabati, Dist.-Hooghly, P:in-712222 is justified ?
- 2) To what relief, if any, is the workman entitled?

On receiving the 'Order of Reference' of the appropriate Government containing 'Reference of Disputes', this Tribunal on 26.07.2023 by its Order No. 1 issued Notice upon both the parties. On receiving the notice, the workman entered appearance in this case by filing Vakalatnama through Ld. Advocate i.e. complying the statutory provision.

But, M/s. North Brook Jute Mills Company Ltd. did not enter its appearance in this case complying the statutory provisions although M/s. North Brook Jute Mills Company Ltd. received the notice in Form D-2 sent from this Tribunal.

The record shows that the workman Firoz Khan entered his appearance through Ld. Advocates namely Suvodip Bhattacharjee and Balaram Patra on 05.09.2023 and this Tribunal fixed 13.10.2023 for filing written statement by the workman. It is seen that on 13.10.2023 neither the workman nor his Ld. Advocates were found present before this Tribunal. This Tribunal on 13.10.2023 made observation in the order that notice in Form D-2 upon M/s. North Brook Jute Mills Company Ltd. was duly served but the 'Company' did not enter its appearance in this case and thus this Tribunal passed order that this case would run ex parte against M/s. North Brook Jute Mills Company Ltd. On the same date this Tribunal directed the workman to appear before this Tribunal on the next date positively and to file written statement. On 06.12.2023 the workman Firoz Khan was found absent and none turned up to move on behalf of the workman as well as no written statement was filed complying the direction of order dated 13.10.2023. In spite of such conduct of the workman, this Tribunal adjourned the case on 06.12.2023 and fixed 19.01.2024 for appearance of the workman and filing written statement by him. On 19.01.2024 same order was passed by the in-charge of this Tribunal. This Tribunal on 04.03.2024 observing the absence of the workman Firoz Khan before this Tribunal and also observing that his Ld. Advocates also skipped to represent him before this Tribunal,

directed him to file show-cause as to why No Dispute Award would not be passed in this case by personally appearing before this Tribunal. The next date was slated on 22.04.2024 for appearance of the workman and filing show-cause by him. On scrutiny of the record it is found that the workman remained absent before this Tribunal persistently and continuously as well as he did not comply the direction of this Tribunal. In view of the situation and non-complying conduct/attitude of the workman, this Tribunal by order dated 08.08.2024 fixed 16.08.2024 for passing No Dispute Award.

The conduct of the workman, as discussed above, indicates that perhaps he has lost his interest in this case and also he has abandoned the matter in dispute i.e. the industrial dispute between him and the Company and thus this is a fit case to be dealt with as per Rule 22 of the West Bengal Industrial Dispute Rules, 1958 since the industrial dispute is ceased to be existed.

Accordingly, and in terms of Rule 22 of the West Bengal Industrial Disputes Rules, 1958 as amended till date, this Tribunal holds that the instant **Industrial Dispute** being Case No. **25/2023/10** instituted on **26.07.2023** is **no longer in existence, between the parties.**

The aforesaid constitutes the **No Dispute Award** passed by this Tribunal in the instant Case No. **25/2023/10**, which stands disposed of forthwith.

Copies of this Award be sent to the Labour Department, Government of West Bengal in accordance with usual norms and rules.

Dictated & corrected by me

sd/-
Judge

sd/-
Judge
3rd Industrial Tribunal
Kolkata
16-08-2024