

/437453/2023

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/. 858 / (LC-IR)/22015(16)/22/2022 Date: 9/09/2023

**ORDER**

WHEREAS an industrial dispute existed between M/s. K. N. D. Engineering Technologies Limited & Anr., 7A, Hospital Street, 2<sup>nd</sup> Floor, Kolkata - 700072 and workman Sri Saikat Samanta, Vill. - Takipur, P.O. Nimdangi, P.S. - Pursurah, Dist. Hooghly, Pin - 712414 regarding the issues being a matter specified in the Second schedule of the Industrial Dispute act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute act, 1947 (14 of 1947) to the Judge, Seventh Industrial Tribunal Specified for this purpose under this Department Notification No. 101-IR dated 2.2.12;

AND WHEREAS the Seventh Industrial Tribunal has submitted to the State Government its Award dated 04/08/2023 in case No. 33/2A (2) of 2018 on the said Dispute vide memo no. 1043 -L.T. dated 14/08/2023.

NOW, THEREFORE, in pursuance of the provisions of Section 17 of the Industrial Disputes 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



/437453/2023

(2)

No Labr/858/1(2) – IR

Dated 19/09/2023

Copy forwarded for information to:

1. The Judge, Seventh Industrial Tribunal, N.S. Building, 3<sup>rd</sup> Floor, 1, K.S. Roy Road, Kolkata - 700001 with reference to his Memo No. 1043 -L.T. dated 14/08/2023.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

sd/

Assistant Secretary

No. Labr/858/2(5) – IR

Dated 19/09/2023

Copy with a copy of the Award is forwarded for information &amp; necessary action to:

1. M/s. K. N. D. Engineering Technologies Limited & Anr., 7A, Hospital Street, 2<sup>nd</sup> Floor, Kolkata - 700072.
2. Sri Saikat Samanta, Vill. – Takipur, P.O. Nimdangi, P.S. – Pursurah, Dist. Hooghly, Pin – 712414.
3. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
4. The O.S.D. & E.O. 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.

30

Assistant Secretary

sd/



Before The Seventh Industrial Tribunal, West Bengal

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

Case No. 33/2A(2) of 2018

Saikat Samanta, Village – Takipur, P.O. Nimdangi, P.S. Pursurah, Dist.  
Hooghly, Pin – 712 414 (W.B.) .....Applicant

-VS-

M/S. K.N.D. Engineering Technologies Limited & Anr.,  
Corporate Office : 7A, Hospital Street, 2<sup>nd</sup> Floor, Kolkata – 700 072.  
..... Opposite Party

A W A R D

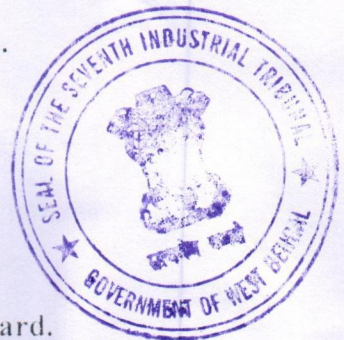
Dated 04.08.2023

Applicant Saikat Samanta is absent without steps.

O.P. /Company is absent.

Today is fixed for passing no dispute award.

Case record is taken up for passing no dispute award.



This case has been filed by the applicant/workman Saikat Samanta u/s 2A(2) of the Industrial Disputes Act, 1947 against his employer M/S. K.N.D. Engineering Technologies Limited in connection with termination of his service by way of refusal of employment illegally with a prayer to reinstate him in service with full back wages and other consequential benefits.

Perused the case record wherefrom it appears that the applicant was not appearing before this Tribunal since long and as such, considering the conduct of the applicant, on 09.06.2022 order was passed to issue notice upon the applicant asking him to appear personally before this Tribunal on 26.07.2022 and file show cause as to why no dispute award shall not be passed in the instant case/dispute. . Thereafter, on 17.01.2023 the applicant was found absent on repeated calls inspite of notice issued to him for his appearance and to file show cause on 30.03.2022 and the same was duly served upon him and the instant case was adjourned on that day. Since thereafter, the applicant is not appearing in this Tribunal nor has filed any

scl/-  
Judge  
Seventh Industrial Tribunal



(2)

show cause till date. This Tribunal vide its order dated 17.01.2023 holds that the notice was duly served upon the applicant, but the applicant did not bother to appear before this Tribunal personally or file show cause and this Tribunal holds from the conduct of the applicant that the applicant is not willing to proceed with his present case.

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

Ordered

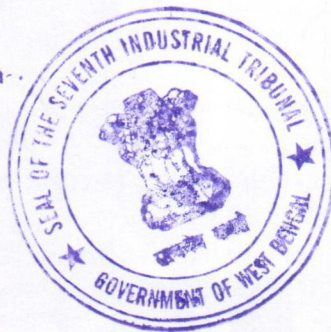
that the case being No. 33 of 2018 u/S 2A(2) of the Industrial Disputes Act, 1947 be and the same is dismissed for non existence of any Industrial Dispute. This is to be treated as 'No Dispute Award'.

This is my award.

Dictated & corrected by me.

*scd/-*  
Judge

Judge  
Seventh Industrial Tribunal



*scd/-*  
(Yogita Gaurisaria)  
Judge, 7<sup>th</sup> Industrial Tribunal  
Kolkata  
04.08.2023

Judge  
Seventh Industrial Tribunal