

File No. LABR-22015(15)/31/2018-IR SEC. Dept. of Labour.
1/22198/2018.

Government of West Bengal
Labour Department
I.R. Branch
N. S. Buildings, 12th Floor,
1, K. S. Roy Road, , Kolkata – 700 001.

No.Labr./578/(LC-IR)/IR/10L-96/11.

Dated, Kol., the 3rd August, 2018.

ORDER

WHEREAS under the Governor of West Bengal, Labour Department Order No. 428-IR dated 01.04.10 the Industrial Dispute between M/s, Hindustan Engineering & Industries Ltd. (Tiljala Plant), 38-Tiljala Road, Kolkata-700 039 and their Workman Shri Trilochan Swain represented by Hindusthan Engineering & Industries Ltd. (Unit-Tiljala Plant) Shramik Union, C/o, Sheo Sankar Singh, 48B, Swinhoe Lane, Kolkata- 700 042 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, Fifth Industrial Tribunal, West Bengal

AND WHEREAS the Judge of the said 5th Industrial Tribunal, West Bengal has submitted to the State Government its Award on the said Industrial Dispute.

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,



**Deputy Secretary to the
Government of West Bengal.**

No.Labr./578/1(5)/(LC-IR.

Dated, Kol., the 3rd August, 2018.

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

1. M/s, Hindustal Engineering & Industries Ltd. (Tiljala Plant), 38, Tiljala Road, Kol-700 039.
2. The Secretary/ Hindusthan Engineering & Industries Ltd. (Unit-Tiljala Plant), Shramik Union, C/o-Sheo Sankar Singh, 48B, Swinhoe Lane, Kolkata- 700 042.
3. The Assistant Labour Commissioner, West Bengal In Charge, Labour Gazette.
4. The Labour Commissioner, W.B., N. S. Buildings, 1, K. S Roy Road, 11th Floor, Kolkata-700 001.
- ✓ 5. The O.S.D., IT Cell, Labour Department, with the request to cast the Award in the Department's Website.



Deputy Secretary

(Contd.. 2)

(2)


No.Labr./578/2(2)(LC-IR.

Dated, Kol., the 3rd August, 2018.

Copy forwarded for information to :-

1. The Judge, 5th Industrial Tribunal, West Bengal with reference to his Memo No. 571-L.T. dated 23.03.18.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata-700 001.

Deputy Secretary


03/08/18 /um.3.8.18.

In the matter of an Industrial Dispute between M/s. Hindusthan Engineering & Industries Ltd. (Tiljala Plant), 38-Tiljala Road, Kolkata – 700 039 and their workman Shri Trilochan Swain represented by Hindusthan Engineering & Industries Ltd. (Unit – Tiljala Plant) Shramik Union, C/o. – Sheo Sankar Singh, 48B, Swinhoe Lane, Kolkata – 700 042.

[Case No. VIII – 11/2010]

BEFORE THE JUDGE, FIFTH INDUSTRIAL TRIBUNAL, KOLKATA

Present

Shri Tapan Kumar Das, Judge,
Fifth Industrial Tribunal

A W A R D

Dated 23rd March, 2018

It appears from the materials on record that this case between M/s. Hindusthan Engineering & Industries Ltd. (Tiljala Plant), 38-Tiljala Road, Kolkata – 700 039 and their workman Shri Degh Narayan Mahato represented by Hindusthan Engineering & Industries Ltd. (Unit – Tiljala Plant) Shramik Union, C/o. – Sheo Sankar Singh, 48B, Swinhoe Lane, Kolkata – 700 042 has been referred to this Tribunal by the Labour Department, I.R. Branch, Government of West Bengal vide No. **428-IR/IR/10L-46/2001** dated 1st April, 2010 for adjudication in respect of following issues –

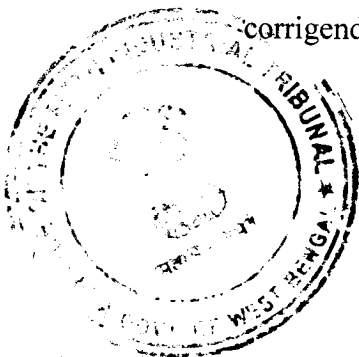
I S S U E (S)

1. Whether the refusal of employment of Shri Trilochan Swain by the management of M/s. Hindusthan Engineering & Industries Ltd. (Unit – Tiljala Plant) w.e.f. 14.01.2008 is justified?
2. What relief, if any, is he entitled to?

Record is put up today for passing final order.

No step has been taken by the management as well as by the union/workman.

Since after receiving the reference, notice was issued from this Tribunal to both the parties and both the management as well as workman entered appearance in this case. It appears from the record that both the parties filed their respective written statement and also filed list of documents and the case came to the stage of recording evidence. It further appears from the record that union filed an application on 12.10.2011 praying for adjournment of the hearing on the ground that the union has applied for amendment of order of reference to the department and so the prayer for adjournment was allowed and since then the hearing of the case was stalled for bringing corrigendum of the reference.



On careful scrutiny it appears that since then neither the union /workman or the management did take any step in this case nor did this Tribunal receive any corrigendum from the Labour Department.

However, after careful scrutiny of record, this Tribunal again issued notice to the management as well as to the concerned workman. After receiving said notice neither the management nor the union or the workman came forward to proceed with this case. From the registered covered envelope containing notice to the concerned workman, it appears that postal peon went to the address for service but on that day workman was found absent and intimation was given to him. In spite of intimation to the workman he did not turn up to the post office to receive the covered envelop and then it was returned to this Tribunal.

Considering the facts and circumstances and having regard to the materials on record, it appears to me that notice was properly tendered by the postal peon in the address given in the reference and therefore it can safely be concluded that the notice was duly served upon the parties. In spite of due service of notice upon the parties, they remained absent from this case and I have no confusion to come to a conclusion that both the parties are not interested to proceed with the case and therefore it can safely be inferred that there is no existence of the dispute between the parties at present,

So considering the facts and circumstances and having regard to the attitude of both the parties I find and hold that there is no existence of dispute at present between the parties and so the case is liable to be disposed of in view of Rule 22 of West Bengal Industrial Disputes Rules, 1958.

Hence,

It is ordered,

That the industrial dispute under reference vide No. **428-IR/IR/10L-46/2001** dated 1st April, 2010 is no longer in existence and accordingly the case is disposed of and this order is to be treated as "No Dispute Award" between the parties.

This is my Award.

Dictated and corrected by me.

Sd/-
Judge

Judge,
5th Industrial Tribunal
Govt. of West Bengal

Sd/-
(TAPAN KUMAR DAS)
Judge
5th Industrial Tribunal
23.03.2018

Judge,
5th Industrial Tribunal
Govt. of West Bengal

