

1/24286/2018

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

No. Labr./606/(LC-IR)

Dated, Kolkata, 14.08.18.

ORDER

WHEREAS an industrial dispute existed between M/S New Everest Road Lines, 39, Tara Chand Dutta Street, Kolkata-700 073 and their workman Manto, S/o Janab Amazuddin C/o Shri Bijoy Shankar Pandey, 109, Mukta Ram Babu Street, 2nd floor, Kolkata-700 007 regarding the issues being a matter specified in 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 Deptt.'s Notification No.101-IR dated.2.2.12;

AND WHEREAS the said Judge, Seventh Industrial Tribunal has submitted to the State Government its Award on the said Dispute.

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

Sdf

Deputy Secretary to the
Government of West Bengal.

No.Labr./606/1(2)/(LC-IR)

Dated, Kolkata, 14.08.18

Copy forwarded for information to :-

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No.1025-LT dtd.25.05.2018.
2. The Joint Labour Commissioner(Statistics), W.B., 6, Church Lane, Kol-1.

Sdf

Deputy Secretary

File No. LABR-22015(16)/393/2018-IR-SEC-Dept. of LABOUR
1/24286/2018

No.Labr/606/2(5)/(LC-IR)

Dated.14.08.2018.

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

1. M/s. New Everest Road Lines, 39, Tara Chand Dutta Street, Kolkata-700 073.
2. Sri Manto, S/o Janab Amazuddin, C/o Shri Bijoy Shankar Pandey, 109, Mukta Ram Babu Street, 2nd Floor, Kolkata-700 007.
3. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
4. The Labour Commissioner, W.B., N.S. Building(11th Floor), 1, K.S.Roy Road, 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

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14/8/18

Before The Seventh Industrial Tribunal, West Bengal

Present: Sri Avani Pal Singh, Judge, Seventh Industrial Tribunal.

Case No.54 of 2015, u/s. 2A(2) of the I. D. Act, 1947

Manto, s/o. Janab Amazuddin, c/o. Shri Bijoy Shankar Pandey, 109, Mukta Ram Babu Street, 2nd floor, Kolkata – 700007.Applicant

-VS-

M/s. New Everest Road Lines, 39, Tara Chand Dutta Street, Kolkata – 700073.

....Opposite Party / Company

A W A R D

Dated : 14-05-2018

Records reveal that this case came to be registered on **21.09.2015**, upon presentation of a petition purportedly under Section 2A (2) of the Industrial Disputes Act 1947, by the workman Manto s/o Amazuddin, challenging the termination of his service by his employer M/s. New Everest Road Lines and praying, inter alia, reinstatement in service with full back wages.

Upon such registration of the case, this Tribunal issued notice upon the O.P/Company at their given address 39, Tara Chand Dutta Street, Calcutta- 700 073, and directed them to appear on the date fixed and answer the claims of the workman, by filing their written statement.

On the next date fixed 05.11.2015, the O.P/Company appeared and filed authorization in favour of its Ld. Advocates and also prayed further time to file their written statement, and their such prayers were allowed.

The written statement of the O.P/Company came to be filed on 19.02.2016, and thereafter on 31.03.2016 the workman/applicant filed copies of documents he sought to rely upon, and a list thereof, after due service upon the O.P/Company.

The Tribunal framed Issues on 07 June 2016. Thereafter, the matter was fixed on several days and opportunity granted to workman/applicant to lead his evidence, if required by filing his affidavit-in-chief, yet the workman failed to do so for over a period of a year and finally, on 13.07.2017 this Tribunal issued directions upon the workman, asking him as to why a 'no-dispute' award shall not be passed in the case in accordance with law, and for the ends of justice the notice to show-cause was also sent by 'Registered Post' to the given residential address of the workman.

Records further reveal that today is the **eighth date** that the case has been fixed, after issuance of such show-cause, yet the workman has neither appeared nor filed any such show-cause petition till date. Even otherwise, none of the parties have appeared in the matter on any date fixed after 15.03.2017.

In the above view of the matter, this Tribunal is satisfied that both the parties to this case have failed to appear in this case before this Tribunal, without showing sufficient cause for their such absence, and this is also a clear indicator to the fact that the industrial dispute has ceased to exist between the parties.

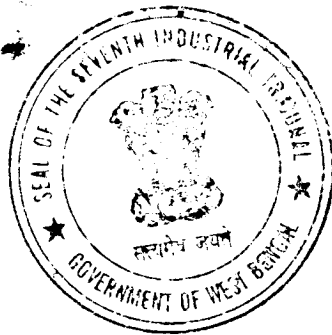
Accordingly, and in terms of Rule 22 of the West Bengal Industrial Disputes Rules, 1958 as amended till date, this Tribunal holds that the instant Industrial Dispute being Case No. 54/ 2A (2)/ 2015 instituted on 21.09.2015 is **no longer in existence, between the parties.**

This is the **No Dispute Award** passed in the instant case.

Dictated & corrected by me,

sd/-
Judge

~~Seventh Industrial Tribunal~~



sd/-
Judge,
Seventh Industrial Tribunal
Kolkata
14/05/2018

Judge
~~Seventh Industrial Tribunal~~