

I/26305/2018

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

No.Labr./682/(LC-IR)/IR/11L-72/17

Date : 10.09. 2018

ORDER

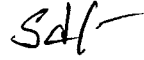
WHEREAS under the Government of West Bengal, Labour Department Order No. Labr./1070/(LC-IR) dated 02.11.2017 the Industrial Dispute between M/s. **Stitch Fab(India) Pvt. Ltd., 78, Lenin Sarani, Kolkata-700013** and their workman Sri Ranbir Singh, S/o Sri Debendra Singh, Chak Chatapara, P.S.- Maheshtala, Kolkata-700141 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 Judge, Seventh Industrial Tribunal, Kolkata.

AND WHEREAS, the Judge of the said Seventh Industrial Tribunal, Kolkata, 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 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



Deputy Secretary to the
Government of West Bengal.

No.Labr./682/1(5)/(LC-IR)

Date : 10.09.2018

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

1. M/s. **Stitch Fab(India) Pvt. Ltd., 78, Lenin Sarani, Kolkata-700013**
2. Sri Ranbir Singh, S/o Sri Debendra Singh, Chak Chatapara, P.S.- Maheshtala, Kolkata-700141
3. The Assistant Labour Commissioner, West Bengal in-Charge, Labour Gazette,
4. The Labour Commissioner, W.B. New Secretariat Buildings, (11th Floor),1, K.S. Roy Road, Kol-1.
5. The O.S.D., IT Cell, Labour Department, with the request to cast the Award in the Deptt.'s website.



Deputy Secretary to the
Government of West Bengal

No.Labr./682/2(2)/(LC-IR)

Date : 10.09.2018

Copy forwarded for information to :-

1. The Judge, Seventh Industrial Tribunal, West Bengal with reference to his Memo No. 1120-L.T., dated 08.06.2018
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kol – 1.

Deputy Secretary to the
Government of West Bengal

8/9/18

In the Seventh Industrial Tribunal, West Bengal

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

Case No.VIII-25/2017, u/s. 10(2A) of the Act 14 of 1947

Sri Ranbir Singh, S/o. Sri Debendra Singh, Chak Chatapara,
P.S.- Maheshtala, Kolkata – 700 141.

.....Applicant

-VS-

M/s. Stitch Fab (India) Pvt. Ltd., 78, Lenin Sarani,
Kolkata – 700 013

....O.P. / Company

A W A R D

Dated : 07-06-2018

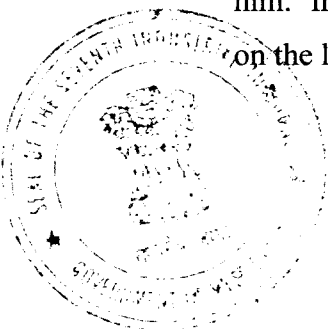
None appears on behalf of either of the parties on repeated calls. Today is fixed for filing of written statement by the workman. No written statement has been filed.

Records reveal that on receipt of the Order of Reference No.Labr./1070/(LC-IR)/IR/11L-72/2017 dated 02.11.2017 issued on behalf of His Excellency The Governor by the Labour Department, Government of West Bengal through its Assistant Secretary, this Tribunal was called upon to adjudicate, in respect of the parties named therein, the following Issues :-

1. ***Whether the discontinuation of service of Sri Ranbir Singh w.e.f. 23.04.2016 from M/s. Stitch Fab (India) Pvt. Ltd. is due to termination of service under issued by the management of M/s. Stitch Fab (India) Pvt. Ltd. verbally or not ? If so, whether the termination is justified ?***
2. ***What relief, if any, is the workman entitled to ?***

On receipt of the said Reference, the instant case came to be registered on 22.11.2017 and accordingly notices were issued upon the parties named in the Reference with a direction upon them to appear on 28.12.2017 before this Tribunal. It further reveals that both parties appeared on the date fixed through their Ld. Advocates and thereafter the matter was fixed for filing statement of facts (W.S.) by the workman. Records further reveal that no statement of facts (W.S.) was filed on behalf of the workman on the date fixed 15.02.2018 and a prayer for adjournment was made on his behalf.

It further reveals that the matter has been fixed on three dates thereafter, however, the workman has neither appeared nor filed his statement of facts (W.S.) and accordingly, on the last date 10.05.2018 the workman was granted a final chance to file his statement of facts (W.S.). Unfortunately, once again the workman has failed to appear on the date fixed i.e. today, and further the workman has failed to comply with the direction upon him. In this context, it is relevant to note that the OP/Company has also failed to appear on the last four dates, including today.



Clearly, the conduct of the parties, by way of their unexplained absence and failure to take steps indicates that both parties have abandoned the instant case and the industrial dispute under reference is no longer in existence.

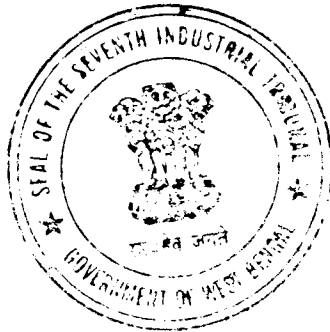
Accordingly, this Tribunal is constrained to hold that both parties to the present industrial dispute having failed to appear on multiple occasions without showing any cause and having failed to take steps on all such occasions, the instant case is a fit one to be dealt with under Rule 22 of the West Bengal Industrial Dispute Rules, 1958 and accordingly, this Tribunal further holds that the industrial dispute under reference is no longer in existence and a **“No Dispute Award”** be passed answering the aforesaid Reference, and disposing of the instant case registered thereupon.

The aforesaid shall **constitute the Award** passed in the instant case. The instant Case No. **VIII-25/2017**, registered on 22.11.2017, stands disposed of.

Dictated & corrected by me

sd/
Judge

Judge
Seventh Industrial Tribunal



sd/
Judge,
Seventh Industrial Tribunal
Kolkata
07/06/2018