

File No.LABR-22015(16)/79/2018-IR SEC-Dept. of LABOUR
1/26352/2018

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

No.Labr/685(LC-IR)
IR/11L-87/17

Dated, 10.09.18.

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. Labr/1261/(LC-IR) Dated 28.12.2017 the Industrial Dispute between Messrs. KLH Innoventures Ltd. (LESSEE of Urdu daily AABSHAAR), 10, Govt. Place(East), Kolkata-700 069 and their workmen Md. Wajid, Asadullah Ansari, Munnam Parvez and Javed Akhter represented by Indian Journalists' Association, 249, Bepin Behari Ganguly Street, 1st Floor, Kolkata-700 012 regarding the issues mentioned in the said order, being a matter specified in the Second Schedule to the Industrial Disputes Act, 1947 (14 of 1947), was referred for adjudication to the Judge, 7th Industrial Tribunal, Kolkata, West Bengal.

AND WHEREAS the Judge of the said 7th 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 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/685/1(5)/(LC-IR)

Dated, 10.09.18.

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

1. M/s KLH Innoventures Ltd. (LESEE of Urdu daily AABSHAAR), 10, Govt. Place(East), Kolkata-700 069
2. The Secretary, Indian Journalists' Association, 249, Bepin Behari Ganguly Street, 1st Floor, Kolkata-700 012
3. The Assistant Labour Commission, West Bengal In-Charge, Labour Gazettee.
4. The Labour Commissioner, West Bengal, New Secretariat Buildings, (11th floor), 1, K. S. Roy Road, Kolkata-700 001.
5. The O.S.D., IT Cell, Labour Deptt., with the request to cast the Award in the Department's website.


Deputy Secretary

contd. -- P/2

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No.Labr/685/2(2)/(LC-IR)

Dated, 10.09.18.

Copy forwarded for information to :-

1. The Judge, Seventh Industrial Tribunal, West Bengal, with reference to his Memo No. 1119-L.T. dtd. 08.06.18.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata-700 001.

Deputy Secretary

JNT/ORDER


10/9/18

In the Seventh Industrial Tribunal, West Bengal

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

Case No.VIII-01/2018, u/s. 10(2A) of the Act 14 of 1947

Sri Md. Wajid, Asadullah Ansari, Munnam Parvez and Javed Akhter
represented by Indian Journalists' Association,
249, Bepin Behari Ganguly Street, 1st Floor, Kolkata – 700012.**Applicants**

-VS-

M/s. KLH Innoventures Ltd. (LESSEE of Urdu daily AABSHAAR)
10, Govt. Place (East), Kolkata – 700 069.**O.P. / Company**

A W A R D

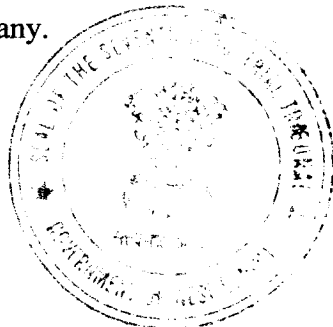
Dated : 06-06-2018

None appears on repeated calls, on behalf of either of the parties. Today is fixed for filing written statement by the union and letter of authority on behalf of the O.P./Company.

Records reveal that by an Order of Reference No.Labr./1261/(LC-IR)/IR/11L-87/17 dated 28.12.2017 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 termination of service of Md. Wajid, Asadullah Ansari, Munnam Parvez and Javed Akhter by way of refusal of employment w.e.f. 08.11.2014 by the management of M/s. KLH Innoventures Ltd. (LESSEE of Urdu daily AABSHAAR), is justified ?***
2. ***What relief, if any, the workmen are entitled to ?***

On receipt of the Reference, the instant case came to be registered on 05.01.2018 and accordingly notices were issued upon the parties named in the Reference, with the direction upon them to appear on 30.01.2018 before this Tribunal. It further reveals that both parties appeared on the date fixed and thereafter the matter was fixed for filing statement of facts by the Association / Union as well as their respective letters of authority by 16.02.2018, on which date the Union/Association appeared and submitted duly executed Vakalatnama in favour of their Ld. Advocates, however, none appeared on behalf of the O.P./Company.



(2)


It further reveals that the matter did not proceed any further on 13.03.2018 and 04.04.2018, as the Presiding Officer of this Tribunal had been transferred. Records would show that on next date 03.05.2018, **none of the parties appeared** and neither the Association/Union file the statement of facts, nor did the O.P./Company take any steps, in terms of the directions of this Tribunal upon them. The matter was, for the ends of justice, adjourned on that date and the parties given another opportunity to comply with directions, as aforesaid.

Unfortunately, once again the parties have failed to appear on the date fixed i.e: today, and further they have failed to take any steps, in compliance of the directions upon them. Clearly the conduct of the parties, by way of their unexplained absence and failure to take steps as directed by this Tribunal, 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 sufficient cause and having failed to act in terms of the direction(s) issued upon them, 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-01/2018, registered on 05.01.2018, stands disposed of.

Dictated & corrected by me


Judge


Judge,
Seventh Industrial Tribunal
Kolkata
06/06/2018

