

I/27130/2018

File No. LABR-22015(16)/481/2018-IR SEC-Dept of LABOUR

Government of West Bengal
Labour Department, I. R. Branch
N.S. Buildings, 12th Floor
1, K.S. Roy Road, Kolkata - 700001

No. Labr/715/(LC-IR)/22015(16)/481/2018

Date : 18.09.2018

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. 420 - IR/11L-251/2003 dated 19.04.2004 the Industrial Dispute between M/s Carrier Aircon Ltd., P-339/1, C.I.T. Road, Scheme – VI(M), Kolkata – 700054 and Sri Sunil Bera, 18/1, Mahendra Roy Lane, Kolkata - 700046 regarding the issues mentioned in the said order, being a matter specified in the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Judge, Seventh Industrial Tribunal, West Bengal.

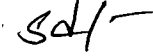
AND WHEREAS the Judge of the said Seventh Industrial Tribunal, West Bengal, has submitted to the State Government its award on the said Industrial Dispute.

NOW, THEREFORE, in pursuance of the provisions of Section 17 of the Industrial 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/715/1(5)/(LC-IR)/22015(16)/481/2018

Date : 18.09.2018

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

1. M/s Carrier Aircon Ltd., P-339/1, C.I.T. Road, Scheme – VI(M), Kolkata – 700054.
2. Sri Sunil Bera, 18/1, Mahendra Roy Lane, Kolkata – 700046.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The Labour Commissioner, W.B. New Secretariate Buildings, 1, K. S. Roy Road, 11th Floor, Kolkata- 700001.

5. The O.S.D., IT Cell, Labour Department, with the request to cast the Award in the Department's website.



Deputy Secretary


Date : 18.09.2018

No. Labr/715/2(2)/(LC-IR)/22015(16)/481/2018

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal, West Bengal with reference to his Memo No. 1026 – L.T. dated 25.05.2018.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Deputy Secretary


18/9/18

Before The Seventh Industrial Tribunal, West Bengal

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

Case No.VIII-34/2004, u/s. 10(2A)

Sri Sunil Bera, 18/1, Mahendra Roy Lane, Kolkata – 700046**Applicant**

-VS-

M/s. Carrier Aircon Ltd., P-339/1, C.I.T. Road, Scheme – VI(M),

Kolkata – 700054

.....**Opposite Party / Company**

A W A R D

Dated : 07-05-2018

The instant industrial dispute being Case No.VIII-34/2004 under Section 10(2A) of the Industrial Disputes Act, 1947 came to be registered upon receipt of an Order of Reference No. 420-I.R./11L-251/2003 dated 19/26.04.2004 issued by the Labour Department, Govt. of West Bengal, referring a purported industrial dispute between M/s. Carrier Aircon Ltd. and their workman Sri Sunil Bera for adjudication of the issues stated therein.

Upon registration as aforesaid, notices were issued upon the parties fixing 28.07.2004 as the date for their appearance. The OP/Company appeared on that date and submitted an authorization in writing in favour of Mr. R.C. Banerjee and Mr. Manas Sinha, Ld. Advocates to appear on its behalf. The workman appeared on 10.09.2004 and authorized Sri Koushik Bhattacharya, Ld. Advocate to appear on his behalf. Thereafter, several dates were granted to the workman for filing his statement of facts, ***which never came to be filed.*** Records further reveal that the workman, in his time-petition dated 24.01.2005, stated that he had preferred a Writ Petition in the Hon'ble High Court seeking **rectification in the Order of Reference**, upon which this Tribunal directed the workman to produce and file certified copy of the stay order, if any, issued by the Hon'ble Court together with a copy of his Writ Petition.

Records further reveal that the workman failed to file copy of such writ-petition and also failed to produce any stay order, as aforesaid, and kept praying for time, which was allowed on 15.03.2005 subject to payment of cost of Rs.200/-. On 19.04.2005, the workman again failed to produce any stay order and also did not file his statement of facts but moved a petition for waiver of the cost imposed upon him by the Order dated 15.03.2005. Incidentally, 19.04.2005 appears to be the last date when the workman appeared in this case. Records further reveal that the O.P. / Company kept appearing in the matter till 09.11.2005 and stopped appearing thereafter.



Records further reveal that onwards of 27.12.2005, this case has been fixed on innumerable dates however, none of the parties have appeared nor taken steps on either of such dates.

Clearly the conduct of the parties, as reflects in the records of the case, shows that both parties have abandoned this matter, thereby strongly indicating that the said industrial dispute, as referred to this Tribunal by the State Government, is no longer in existence and this is a fit case for passing of an Award under Rule 22 of the West Bengal Industrial Dispute Rules, 1958.

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. VIII-34/ 2004 instituted on 12.07.2004, in connection with Order of Reference No. 420-I.R./11L-251/2003 dated 19/26.04.2004 issued by the Labour Department, Govt. of West Bengal is **no longer in existence, between the parties.**

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

Dictated & corrected by me,

sdf
Judge

Seventh Industrial Tribunal

sdf
Judge,
Seventh Industrial Tribunal
Kolkata
07/05/2018

Judge
Seventh Industrial Tribunal

