

Government of West Bengal
Labour Department
I.R. Branch
New Secretariat Buildings(12th Floor),
1, K.S. Roy Road, Kolkata-700 001

No. Labr./764/(LC-IR)

Dated, Kolkata, the 3rd October, 2018

O R D E R

WHEREAS an industrial dispute existed between M/s. Deswapran Building Stores, 82, Tollygunge Circular Road, Kolkata-700053 and their workman Shri Jeevkant Mishra, C/o. Shri Binod Kumar Jha, Calcutta Motor Drivers' Congress, 6, Waterloo Street, Kolkata-700069 regarding the issues being a matter specified in the Second Schedule of the Industrial Disputes Act, 1947 (14 of 1947);


AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Disputes Act, 1947 (14 of 1947) to the Judge, Seventh Industrial Tribunal specified for this purpose under this Department Notification No. 101-IR dated 02/02/2012.

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 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 Govt. of West Bengal

No. Labr./764/1(2)/(LC-IR)

Dated, Kolkata, the 3rd October, 2018

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal, West Bengal with reference to his Memo. No. 1036-L.T. dated 28/05/2018.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata-700001.



Deputy Secretary
to the Govt. of West Bengal

No. Labr./764/2(5)/(LC-IR)

Dated, Kolkata, the 3rd October, 2018

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

1. M/s. Deswapran Building Stores, 82, Tollygunge Circular Road, Kolkata-700053.
2. Shri Jeevkant Mishra, C/o. Shri Binod Kumar Jha, Calcutta Motor Drivers' Congress, 6, Waterloo Street, Kolkata-700069.
3. The Assistant Labour Commissioner, W.B. In-Charge of Labour Gazette; N.S. Buildings, 1, Kiran Shankar Roy Road, Kolkata-700001.
4. The Labour Commissioner, West Bengal, N.S. Buildings(11th Floor), 1, Kiran Shankar Roy Road, Kolkata-700001.
5. The O.S.D., I.T. Cell, Labour Department, with the request to cast the Award in the Department's website.



Deputy Secretary
to the Govt. of West Bengal

In The Seventh Industrial Tribunal, West Bengal.

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

Case No.25/2016, u/s. 2A(2)

Sri Jeevkant Mishra, c/o. Binod Kumar Jha, Calcutta Motor Drivers' Congress, 6,
Waterloo Street, Kolkata – 700069.Applicant

-VS-

M/s. Deswapran Building Stores, 82, Tollygunge Circular Road,
Kolkata – 700053.Opposite Party / Company

A W A R D

Dated : 24-05-2018

No one appears on behalf of the workman on repeated calls. Today is fixed for S/R and for filing of show-cause by the workman. No show-cause has been filed on behalf of the workman.

Records reveal that this case came to be registered on **19.07.2016**, upon presentation of a petition purportedly under Section 2A(2) of the Industrial Disputes Act 1947, by the workman **Jeevkant Mishra**, challenging the termination of his service by his employer **M/s. Deswapran Building Stores** and praying, inter alia, reinstatement in service with full back wages and consequential benefits.

Upon such registration of the case, this Tribunal issued notice upon the O.P/Company at their given address at 82, Tollygunge Circular Road, Kolkata – 700 053 and directed them to appear on the date fixed and answer the claims of the workman, by filing their written statement.

Thereafter, several dates were fixed for filing of service report (S/R) and appearance of the OP/Company, however neither any S/R was filed nor did the OP/Company appear. Consequently, on 30.03.2017 an application was moved on behalf of the workman praying, inter alia, that the notice be re-issued upon the OP/Company, through a process server. Upon the prayer being allowed by this Tribunal, notices were issued afresh and carried by the process-server, who submitted his report dated 19-04-2017 wherefrom it reflected that the notice could not be served upon the OP/Company for reasons stated therein.

(2)

Upon consideration of the report of the process-server on 28-04-2017, the workman was given fresh liberty to take steps in accordance with law. Records reveal that the workman has failed to take any steps in that regard **till date**, and it further reveals that on 11-10-2017, taking note of such conduct and absence of the workman on several dates, the Tribunal directed the workman to show-cause as to why a 'no-dispute' award will not be drawn up and the instant case disposed of accordingly. The workman has neither submitted any such show-cause petition nor has he appeared on any of the several dates ever since.

In the above view of the matter, this Tribunal is satisfied that the workman/applicant of this case has failed to appear in this case before this Tribunal, without showing sufficient cause for his such absence, and this is also a clear indicator to the fact that the alleged industrial dispute has ceased to exist. 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. **25 / 2A (2)/ 2016** instituted on 19.07.2016 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

sdf
Judge,
Seventh Industrial Tribunal
Kolkata
24/05/2018

