

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

No. Labr./642/(LC-IR)/IR/11L-26/16

Date : 28.08.2018

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. 266 – IR/11L-26/16 dated 28.03.16 the Industrial Dispute between M/s Nilima Matri Sadan (Nursing Home), 22, Shib Narayan Road, Uttar Para, Hooghly – 712258 and Sri Sunil Kr. Laha, 81, G.T. Road, Uttarpara Bazar, (Shopping Complex), 3rd Floor, Flat 306, P.O. – Uttarpara, Dist - Hooghly regarding the issue 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, Third Industrial Tribunal, West Bengal.

AND WHEREAS the Judge of the said Third 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,



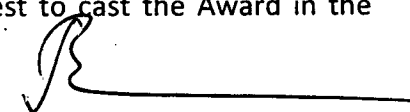
Deputy Secretary
to the Government of West Bengal

No. Labr./642/1(5)/(LC-IR)

Date : 28.08.2018

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

1. M/s Nilima Matri Sadan (Nursing Home), 22, Shib Narayan Road, Uttar Para, Hooghly – 712258.
2. Sri Sunil Kr. Laha, 81, G.T. Road, Uttarpara Bazar, (Shopping Complex), 3rd Floor, Flat 306, P.O. – Uttarpara, Dist – Hooghly.
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

No. Labr./642/2(2)/(LC-IR)

Date : 28.08.2018

Copy forwarded for information to :

1. The Judge, Third Industrial Tribunal, West Bengal with reference to his Memo No. 512 - LT dated 15.03.18.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Deputy Secretary

In the matter of an Industrial dispute between M/s. Nilima Matri Sadan (Nursing Home), 22, Shib Narayan Road, Uttar Para, Hooghly – 712 258 and Sunil Kr. Laha, 81, G.T. Road, Uttarpara Bazar (Shopping Complex), 3rd Floor, Flat 306, P.O. Uttarpara, Dist. Hooghly referred before this Tribunal.

Case No. VIII-16/2016

BEFORE THE THIRD INDUSTRIAL TRIBUNAL: WEST BENGAL

PRESENT

SRI HAR GOVIND SINGH, JUDGE, THIRD INDUSTRIAL TRIBUNAL

A W A R D Date: 9th March, 2018

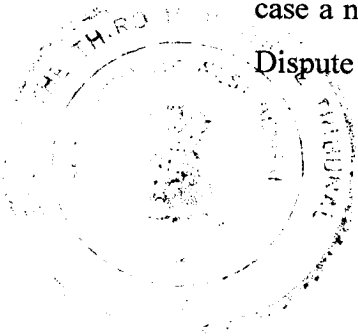
This matter was referred by the Government of West Bengal, Labour Department, Vide G.O. No. 266/I.R./IR/11L-26/2016 dated 28th March, 2016 relating to an Industrial Dispute existed between M/s. Nilima Matri Sadan (Nursing Home), 22, Shib Narayan Road, Uttar Para, Hooghly – 712 258 and Sunil Kr. Laha, 81, G.T. Road, Uttarpara Bazar (Shopping Complex), 3rd Floor, Flat 306, P.O. Uttarpara, Dist. Hooghly to this Tribunal for adjudication of the following issues:-

I S S U E (S)

1. Whether the refusal of employment of Sri Laha, w.e.f. 19.01.2015 is justified?
2. If not, what relief is he entitled to?

This reference was received by this Tribunal from the Labour Department, Govt. of West Bengal on 02.06.2016 under sub-section 2A of Section 10 of the I.D. Act, 1947(14 of 1947) conveying inter alia that an industrial dispute exists between M/s. Nilima Matri Sadan (Nursing Home), 22, Shib Narayan Road, Uttar Para, Hooghly – 712 258 and Sunil Kr. Laha, 81, G.T. Road, Uttarpara Bazar (Shopping Complex), 3rd Floor, Flat 306, P.O. Uttarpara, Dist. Hooghly relating to the issues as noted above. After receiving the reference, summons were being duly issued upon the parties and after service thereof, the parties appeared and filed their respective written statement and then the list of documents.

Further, the case was taken up for hearing on merit fixing 18.01.2018. But, as it reveals from the record that on the date fixed i.e. on 18.01.2018 since the P.O. was on leave the hearing on merit of the case was adjourned to 09.02.2018. Ld. Lawyer for the company was found present on the date fixed but none appeared for and on behalf of the workman, notwithstanding repeated calls. No step was taken by the workman. In such view of the case a notice was issued against the workman asking him to show cause as to why a No Dispute Award shall not be passed in his absence by 09.03.2018. But, again on this the date



fixed, neither the workman appears nor takes any steps. No show cause has been furnished by the workman, in compliance of the order passed by this Tribunal. Virtually, the workman has shown no interest in the instant case in hand and as a result of which this Tribunal is compelled to pass an order that industrial dispute as raised by the workman under reference is no longer in existence.

None appears for and on behalf of the Company although Ld. Lawyer for the company had appeared on the last date i.e. on 09.02.2018 and thereby, it may be safely inferred that in spite of being aware of the date as fixed the Ld. Lawyer for the O.P./Company does not appear and/or takes any step without showing any sufficient cause.

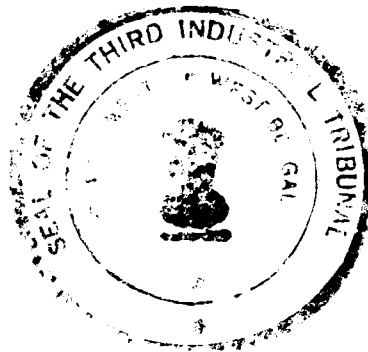
Thus, in the facts and circumstances as stated above both parties have failed to appear before this Tribunal without sufficient cause being shown, which compels this Tribunal to submit an Award to the State Government on the footing that the industrial dispute under reference is no longer in existence.


Thus, the referred industrial dispute by and between the parties be treated as disposed of in form of 'No Dispute Award.'

Let, six (6) copies of the Award be sent to the Secretary, Labour Department, Government of West Bengal for information and necessary action if any.

Dictated & corrected by me.


Judge.




(Har Govind Singh)
Judge,
Third Industrial Tribunal,
09th March 2018