

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

No L.Am.16941 (Ic-IR)

Date 11-09-18

ORDER

WHEREAS an industrial dispute existed between M/S: Rose Valley Hotels & Entertainments Ltd., Godrej Waterside, Office Nos. 201 & 202, Tower-1, Plot-5, Block- DP, Sector-V, Salt Lake, Kolkata-91 and their workman Sri: Sougata Tapaswi, S/o: Sri Sudhir Kumar Tapaswi, 39/1, Hem Chandra Mukherjee Road, Barisha, Kolkata-700008 regarding the issues being a matter specified in the third schedule of the Industrial Dispute act, 1947 (14of 1947);

AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute act, 1947 (14of 1947) to the Judge, First Industrial Tribunal Specified for this purpose under this Department Notification No. 101-IR dated 2.2.12;

AND WHEREAS the said Judge, First 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 Government of West Bengal

(2)

No. Labn. (694/1(2) - IR

Dated .../11-09-18...

Copy forwarded for information to :

1. The Judge, First Industrial Tribunal with reference to his Memo No. 1400-L.T. dated 09/07/2018.
2. The Joint Labour Commissioner (Statics), W.B., 6, Church Lane, Kolkata-700001.



Deputy Secretary

No. Labn. (694/2(5) - IR

Dated .../11-09-18...

Copy with a copy of the Award is forwarded for information &amp; necessary action to:

3. M/s Rose Valley Hotels & Entertainments Ltd., Godrej Waterside, Office Nos. 201 & 202, Tower-1, Plot-5, Block- DP, Sector-V, Salt Lake, Kolkata-91 .
4. Sri: Sougata Tapaswi, S/o: Sri Sudhir Kumar Tapaswi, 39/1, Hem Chandra Mukherjee Road, Barisha, Kolkata-700008.
5. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
6. The Labour Commissioner, W.B., New Secretariat Building (11<sup>th</sup> Floor), 1, Kiran Sankar Roy Road, Kolkata - 700001.
- ✓ 7. The O.S.D., IT Cell, Labour Department, with the request to cast the Award in the Department's website.



Deputy Secretary

BEFORE THE FIRST INDUSTRIAL TRIBUNAL, WEST BENGAL

PRESENT: SHRI TANMOY GUPTA, JUDGE

CASE NO. 06/2015 u/s 10(b) & 2A(2)

M/s. ROSE VALLEY HOTELS & ENTERTAINMENTS LTD. & ORS GODREJ  
WATERSIDE, OFFICE NOS. 201 & 202, TOWER-1, PLOT-5, BLOCK-DP, SECTOR-V,  
SALT LAKE, KOLKATA-700 091

-VS-

SRI SOUGATA TAPASWI, S/O. SUDHIUR KUMAR TAPASWI, 39/1, HEM CHANDRA  
MUKHERJEE ROAD, BARISHA, KOLKATA-700008.

A W A R D

The instant proceeding has been initiated on an application dated 02.12.2015 filed by the workman Sri Sougata Tapaswi against Rose Vally Hotel and Entertainments Ltd., Godrej Waterside, Office no. 201 & 202, Tower-1, Plot-5, Block-DP, Sector-V, Salt Lake, Kolkata-700 091 and its Managing Director & General Manager and also AGM-HR and administration under section 10(b) and section 2(A) of the Industrial Dispute Act 1947 seeking an award for his reinstatement with full back wages and other relief.

On receipt of such application filed by the aforesaid applicant/workman notice was issued to the opposite party. Opposite party no. 2 appeared by filing vakalatnama. The opposite party no. 3 did not appear inspite of the service of notice. The opposite party filed a written statement to contest the case and also amended written statement and date was fixed for filing list of documents by the company.

In a nutshell the case of the petitioner is that he was appointed as Assistant Manager (Operation) at Hotel Rose Valley, New Digha in terms of an offer letter dated 10.09.2011 issued by the opposite party. While working there he was transferred to Hotel Rose Valley, Midnapore w.e.f. 07.01.2012 and again he was transferred to Hotel Rose Valley, Goa on March 2012 and from there again transferred to Hotel Rose Valley, Haridwar w.e.f. 01.10.2014. Thereafter his service was discontinued by the management by issuing an inter-office memo dated 10.10.2014. Before issuance of such order discontinuing the service of the workman, he had not been given any opportunity of being heard and he was also not paid with the salary for the month of October 2014 and the working days for the month November 2014. The petitioner number of occasions visited the corporate office of the company and also to the office of the company where he was last posted to recovery legitimate dues but fail to achieve any result. On that score, the applicant has failed the instant case with appropriate relief as stated earlier.

The opposite party has contested the case by filing a written statement denying all the averments made in the application filed by the petitioner contending inter alia that the application as filed is not maintainable and there is no cause of action to file the present case. It is contended that the company had been compelled to terminate the service of the petitioner as the petitioner all along tried to flout the order of management in the matter of transfer by making plea of illness. He also deliberately remained absent without intimation and as a result the company sustained severe loss in the matter of operation of Hotel business. The claim as made by the applicant is not tenable and unjust. On that score the company has prayed for dismissal of the instant case.

Thereafter, opportunity was given to the parties to file list of documents. The company did not file any such document. The workman and his Ld. recorded Advocate remained absent on consecutive dates and as such notice to show cause was issued to the workman. Thereafter, on 27.04.2018 both parties remained absent without any steps. On that date notice was issued to both the parties asking them to appear on this (24.05.2018). However, neither party turned up inspite of repeated calls and no steps has been taken. From the postal envelop in respect of the notice to show cause issued to the parties it appears that the same has returned unserved in respect of opposite party/company with an endorsement of the postal peon "Addressee moved" and the same in respect of the applicant with a note- "note claimed". In spite of such report in respect of notices issued to the parties, another opportunity was given to the parties to appear fixing this day (28.06.2018) for appearance and further order. But on repeated calls neither party appear to-day.

Considering such conduct of the parties it is clear that the parties are not interested to proceed to the instant case. So, it would be useless to drag the instant proceedings any further. On due consideration, I think that it is an appropriate case to pass an award in terms of Rule 22 of the West Bengal Industrial Rule 1958. Hence, this tribunal has no other option but to hold that no dispute is pending between the parties and the Industrial dispute is no longer in existence. Accordingly, a no dispute award <sup>is</sup> ~~as~~ passed. The instant case, then, stands disposed of.

This is my A W A R D.

Dictated & corrected by me.

Sd/- T. Gupta

Judge.



Sd/- T. Gupta

Judge,  
First Industrial Tribunal  
Kolkata.  
28.06.2018  
FIRST INDUSTRIAL TRIBUNAL  
WEST BENGAL