

Government of West Bengal
Labour Department
I.R. Branch
N.S. Buildings, 12th Floor, Kol-1

No.Labr./1869/(LC-IR)

Date : 20.12.2018

ORDER

WHEREAS an industrial dispute existed between M/s. Young Brothers, Mr. Vinesh Aron, Proprietor, 4A, Delhi Srirampur Road, Kolkata-700 053 and their workman Sri Hari Nath Mahato, 71/C, Linton Street, Kolkata-700 014 regarding the issues being a matter specified in the Second Schedule of the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute Act, 1947 (14 of 1947) to the Judge, Seventh Industrial Tribunal, specified for this purpose, under this Department's 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 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

sdt
Deputy Secretary to the
Government of West Bengal.

No. Labr./1869/1(2) -IR

Date : 20.12.2018

Copy forwarded for information to :-

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No.1360-LT dated 03.07.2018.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

ad v
Deputy Secretary to the
Government of West Bengal

No. Labr./1869/2(5)/(LC-IR)

Date : 20.12.2018

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

1. M/s. Young Brothers, Mr. Vinesh Aron, Proprietor, 4A, Delhi Srirampur Road, Kolkata-700 053.
2. Sri Hari Nath Mahato, 71/C, Linton Street, Kolkata-700 014.
3. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
4. The Labour Commissioner , W.B., N.S. Buildgs.(11th Floor),1, K.S. Roy Road, Kol-1.
- ✓ 5. The O.S.D. IT Cell, Labour Department, with the request to case the Award in the Department's Website.


Deputy Secretary to the
Government of West Bengal


20/12/18 Sabita/IR/20122018

**In The Seventh Industrial Tribunal, West Bengal.
Present: Sri Avani Pal Singh, Judge,
Seventh Industrial Tribunal.**

Case No.39/2015, u/s. 2A(2) of the I.D.Act, 1947

Sri Hari Nath Mahato, 71/C, Linton Street, Kolkata – 700 014.*Applicant*

-vs-

M/s. Young Brothers, Mr. Vinesh Aron, Proprietor,
4A, Delhi Srirampur Road, Kolkata – 700053.*O.P./Company*

A W A R D

Dated : 25-05-2018

The workman is absent on repeated calls. None appears on behalf of the O.P./Company on repeated calls. Today is fixed for filing show-cause on behalf of the workman. No show-cause has been filed.

Ld. Advocate Sri Asit Banerjee who was representing the workman appears and in his fairness submits that the workman has not been in touch with him for the past several months and it is embarrassing for him to stand before this Tribunal without any instruction from the workman. Clearly, the appearance of Shri Banerjee is not on behalf of the workman, but as a member of the Bar and as an officer of this Court.

Be that as it may, records reveal that by Order dated 16.10.2017, the workman was directed to show cause as to why the matter shall not be disposed of by way of a “**No-Dispute Award**” in accordance with law, because of failure of the workman to lead evidence in the case since 14.07.2017. By way of abundant caution, the notice to show-cause was also sent by registered post to the address of the workman given in his application under Section 2A(2) of the Industrial Disputes Act, 1947, however, the sealed envelope returned undelivered on 14.12.2017 with a postal remark “**Left**”.


The circumstances aforesaid clearly indicate that the workman has abandoned this case and has stopped appearing on several consecutive dates over months, without sufficient cause being shown therefor. That apart, records also reveal that the O.P./Company too has stopped appearing in the matter since **appearing lastly on 14.07.2017**. Clearly, this case has ingredients of the industrial dispute being no longer in existence and the matter requires to be dealt with under Rule 22 of the West Bengal Industrial Dispute Rules, 1958.

Rule 22 as aforesaid requires this Tribunal to examine if the parties have been failing to appear, without there being sufficient cause for such absence of the parties. In the present case, since the matter came to be initiated by way of an application filed by the workman as per Section 2A(2) of the Act, instead of being a Reference from the State Government, the absence of the workman is primarily required to be examined as aforesaid under Rule 22. In that context, it has been already noted that the notice to show-cause has returned undelivered from the given address of the workman.

In the circumstances aforesaid, this Tribunal is constrained to hold that this is a fit case to be dealt with under Rule 22 of the West Bengal Industrial Dispute Rules, 1958 as the parties have failed to appear, without sufficient cause being shown, and that the instant industrial dispute is no longer in existence between the parties and further, this Tribunal holds that the instant case is liable to be disposed of on such terms.

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

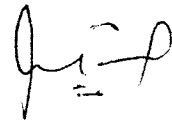
Dictated & corrected by me



Judge

Judge

Seventh Industrial Tribunal



Judge,

Seventh Industrial Tribunal

Kolkata

25/05/2018

