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No. Labr/. . 652 . .1/(5)/(LC-IR) Date: 27/07/2023

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

1. M/S. Bharuka Road Lines Ltd., 27, Western Street, Room No. 209 & 210, Kolkata - 700012 under Bowbazar P.S.
2. Sri Pradip Chandra Roy, 18 K. Road, Dhaniya Para, Barrackpur (M), North 24 Pgs, Kolkata - 700122.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B., New Secretariat Building, (11th Floor), 1, Kiran Sankar Roy Road, Kolkata - 700001.
5. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.



Assistant Secretary

No. Labr/. . 652/ . .2/(2)/(LC-IR) Date 27/07/2023

Copy forwarded for information to:-

1. The Judge, First Industrial Tribunal West Bengal, with respect to his Memo No. 931 - L.T. dated 20/07/2023.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Assistant Secretary

H.A. (IT)
28/07/2023

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

No. Labr/. 652 / (LC-IR)/22015(16)/37/2023 Date: 27/07/2023

ORDER

WHEREAS an industrial dispute existed between M/s. Bharuka Road Lines Ltd., 27, Western Street, Room No. 209 & 210, Kolkata - 700012 under Bowbazar P.S. and Sri Pradip Chandra Roy, 18 K. Road, Dhaniya Para, Barrackpur (M), North 24 Pgs, Kolkata - 700122 regarding the issue, being a matter specified in the Second schedule to the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application under section 10(1B) (d) of the Industrial Dispute Act, 1947 (14 of 1947) to the First Industrial Tribunal specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, the First Industrial Tribunal heard the parties under section 10(1B)(d) of the I.D. Act, 1947 (14 of 1947) and framed the following issue dismissal of the workman as the "issue" of the dispute.

AND WHEREAS the First Industrial Tribunal has submitted to the State Government its Award dated 22/06/2023 in case no. 12/2022 under section 10(1B) (d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide memo no.931 - L.T. dated 20/07/2023.

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

Assistant Secretary
to the Government of West Bengal

In the matter of an Industrial Disputes exists between M/s Bharuka Road Lines Ltd. having registered office at Flat No. 214, 2nd Floor, 5-9-93/1, Sakti Sai Complex, Chapel Road, Hyderabad – 500 001 and Branch Office at 27, Western Street, Room No. 209 and 210, Kolkata – 700 012 under Bowbazar P.S. and their Workman Sri Pradip Chandra Roy, residing at 18 K. Road, Dhaniya Para, Barrackpur (M), North 24 Parganas, Kolkata – 700 122.

BEFORE THE FIRST INDUSTRIAL TRIBUNAL: WEST BENGAL

PRESENT

**SHRI UTTAM KUMAR NANDY, JUDGE
FIRST INDUSTRIAL TRIBUNAL, KOLKATA**

Date of Order: 22.06.2023

Case No.: 12/2022 u/s 10(1B)(d)

The instant case arose on receiving an application dated 10.02.2022 u/s 10(1B)(d) of the Industrial Dispute Act, 1947 as amended from the Workman Sri Pradip Chandra Roy, residing at 18 K. Road, Dhaniya Para, Barrackpur (M), North 24 Parganas, Kolkata – 700 122 against his employer named M/s Bharuka Road Lines Ltd. having registered office at Flat No. 214, 2nd Floor, 5-9-93/1, Sakti Sai Complex, Chapel Road, Hyderabad – 500 001 and Branch Office at 27, Western Street, Room No. 209 and 210, Kolkata – 700 012 under Bowbazar P.S. in connection with termination of employment of Sri Pradip Chandra Roy from his service by his employer, with a prayer before this Tribunal to pass Award holding that the aforesaid termination of employment of Sri Pradip Chandra Roy from his service with effect from 07.03.2020 by the management, M/s Bharuka Road Lines Ltd. is unlawful and unjust and pass an Award directing the Company to reinstate him in service with full back wages and incidental benefits including bonus and grant him any relief as may deem fit and proper on merits including interest and costs.

Accordingly notice was issued upon the OP Company who appeared and pleaded to the effect that this Tribunal has no jurisdiction to try over the case rather it should be tried by the Ld. 7th Industrial Tribunal. Since the system in the computer data is not permitting to have an entry of transfer of case record from one Tribunal to another, this Tribunal have left no option but to dispose the matter instantly, so that the petitioner may sue a fresh before the Ld. 7th Industrial Tribunal at the earliest.

Accordingly it is

ORDERED

That this Tribunal has no jurisdiction to try the case as the jurisdiction of the case falls under the Ld. 7th Industrial Tribunal.

Hence this Tribunal thinks it fit and proper to dispose the case without going to the merit of the case.

Petitioner is at liberty to sue a fresh before the Ld. 7th Industrial Tribunal as per provision of law if the petitioner so desires.

This is my Award.

The Award be sent to the Government.

Sd/-

(Uttam Kumar Nandy)
Judge
First Industrial Tribunal
Kolkata

Dictated & corrected by me

Sd/-

(Uttam Kumar Nandy)
Judge

FIRST INDUSTRIAL TRIBUNAL
WEST BENGAL

JUDGE
FIRST INDUSTRIAL TRIBUNAL
WEST BENGAL