

I/214261/2022

H/A IT
23/8Government of West Bengal
Labour Department, I.R. BranchN.S.Building, 12th Floor, 1, K.S. Roy Road, Kolkata - 700001

No. Labr./...../1(LC-IR)/22015(13)/1/2022 Date : 22/08/2022

ORDER

WHEREAS an industrial dispute existed between Smt. Suchitra Saha, BD-8 Krishnapur, Rabindrapally, Prafulla Kanan, Kolkata - 700 101 and her employer M/s M. P. Estate Handloom Waiver Cooperative Federation Society Ltd., Maniktala, Civil Centre Kolkata - 700 064 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 c Section 2A of the Industrial Dispute act, 1947 (14 of 1947) to the Seventh Industrial Tribunal specified for this purpose under this Department Notification No. 101- IR dated 2.2.12;

AND WHEREAS the said Seventh Industrial Tribunal has submitted to the State Government its Award dated 27.07.2022 on the said Dispute vide Memo No. 1258 - L.T dated 10.08.2022.

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,

Sd/-
Joint Secretary

to the Government of West Bengal

No. Labr/...../1(2)/(LC-IR) Date : 22/08/2022

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 1258 - L.T dated 10.08.2022.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

Sd/-
Joint Secretary

No. Labr/...../2(6)/(LC-IR) Date : 22/08/2022

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

1. M/s M. P. Estate Handloom Waiver Cooperative Federation Society Ltd., Maniktala Civil Centre, Kolkata - 700 064 .
2. Smt. Suchitra Saha, BD-8, Krishnapur, Rabindrapally, Prafulla Kanan, Kolkata - 700 101 .
3. The Assistant Labour Commissioner, W.B., In-Charge of 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 Sr. Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.
6. Office Copy.

Sd/-
Joint Secretary

Before The Seventh Industrial Tribunal, Kolkata, West Bengal

Present: Shri Ashis Kumar Das, Judge, Seventh Industrial Tribunal, Kolkata.

Case No.26/2A(2) of 2018

Smt. Suchitra Saha , BD-8, Krishnapur, Rabindrapally, Prafulla Kanan, Kolkata
– 700 101.

.....Applicant

-VS-

M/s. M.P. Estate Handloom Waiver Cooperative Federation Society Limited, ,
Maniktala, Civil Centre, Kolkata – 700 064 and having their liason office at
“Roopmati Bhawan”, 4 HIG, Jawahar Chowk, Bhopal, Pin – 462 003.

.....Opposite Party

A W A R D

Dated 27.07.2022

Applicant Smt. Suchitra Saha is absent without steps.

O.P. /Company is also absent without steps.

Today is fixed for passing no dispute order in view of order no. 25 dt.
14.09.2021.

Case record is taken up for passing order.

This case has been filed by the applicant/workman **Smt. Suchitra Saha**
U/s 2A(2) of the Industrial Disputes Act, 1947 against her employer M/s. M.P.
Estate Handloom Waiver Cooperative Federation Society Limited in connection
with termination of her service with effect from 31.07.2017 illegally with a
prayer to reinstate her in service with full back wages and other consequential
benefits.

Perused the case record wherefrom it is seen that on 14.09.2021 this case
was fixed for evidence of applicant's side, but on that day applicant was absent.
Ld. Advocate for the applicant submitted that the applicant stopped making any
contact with him and considering such submission, this Tribunal issued notice
upon the applicant directing her to submit show cause on 22.11.2021 as to why
'No Dispute Award' shall not be passed in the instant case. It appears from the
record that in view order dt. 14.09.2021 show cause notice under registered post



(2)

with A/D was sent to the applicant. It further appears from the record that till 20.05.2022 no S/R of notice (A/D card) was received and since long time had already been lapsed, this Tribunal presumed vide order dt. 20.05.2022 that show cause notice had duly been served upon the applicant and so, need issue fresh show cause notice or to wait for S/R of notice (A/D Card) unnecessarily and fixed 24.06.2022 for passing No Dispute Award. On 24.06.2022 and thereafter on 19.07.2022, this Tribunal was on leave and so, order could not be passed. The applicant did not think it necessary to appear before this Tribunal till today and also did not think it necessary to file show cause in view of order no. 25 dt. 14.09.2021. Therefore, it is clear that the applicant is not willing to proceed with her present case further.

In view of the aforesaid conduct of the applicant, this Tribunal holds that no industrial disputes exist in between the parties. So, I am inclined to pass a 'No Dispute' Award on the footings that Industrial Disputes under Rule 22 under West Bengal Industrial Dispute Rules, 1958 is no longer in existence.

Hence, it is

Ordered

That the case being No. 26 of 2018 U/s 2A(2) of the Industrial Disputes Act, 1947 be and the same is dismissed for non existence of any Industrial Dispute. This is to be treated as 'No Dispute Award'.

This is my award.

Dictated & corrected by me.

Judge

Judge
Seventh Industrial Tribunal



Sd/-

(Ashis Kumar Das)

Judge

7th Industrial Tribunal

Kolkata

27.07.2022

Judge
Seventh Industrial Tribunal