

Government of West Bengal
Labour Department, I. R. Branch

N. S. Building, 12th Floor, 1, K. S. Roy Road, Kolkata – 700001

No. Labr/ 842 /(LC-IR)/11L-05/2017

Date : 14/09/2023

ORDER

WHEREAS an industrial dispute existed between Shri Tapabrata Sinha, 3, Deshbandhu Road, Madhyamgram, Dist.- North 24 Parganas, Pin - 700130 and his employer M/s Millennium Commodities Pvt. Ltd., C/o Arun Kumar Jalan, MD, 7, Bright Street, Bright Apartment, Flat No. 9A & B, Kolkata - 700019 regarding the issues, 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 of the Industrial Dispute Act, 1947 (14 of 1947) to the Seventh Industrial Tribunal, Kolkata specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997;

AND WHEREAS the said Seventh Industrial Tribunal, Kolkata has submitted to the State Government its Award dated 01.08.2023 in case No. 13/2022/10 under section 10 of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide Memo No. 1045 – L.T. dated 14.08.2023;

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,

Salt
Assistant Secretary

to the Government of West Bengal

No. Labr/ 842 /1(5)/(LC-IR)

Date : 14/09/2023

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

1. M/s Millennium Commodities Pvt. Ltd., C/o Arun Kumar Jalan, MD, 7, Bright Street, Bright Apartment, Flat No. 9A & B, Kolkata - 700019.
2. Shri Tapabrata Sinha, 3, Deshbandhu Road, Madhyamgram, Dist.- North 24 Parganas, Pin - 700130.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The OSD & EO 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.

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Assistant Secretary

No. Labr/ 842 /2(3)/(LC-IR)

Date : 14/09/2023

Copy forwarded for information to :-

1. The Judge, Seventh Industrial Tribunal, N. S. Building, 3rd Floor, 1, K.S. Roy Road, Kolkata - 700001 with respect to his Memo No. 1045 - L.T. dated 14.08.2023.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.
3. Office Copy.

Assistant Secretary

Before the 7th Industrial Tribunals, Kolkata

Case No. 13/2022 /10

Under Section 10 of the Industrial Disputes Act, 1947

Present : Ms. Yogita Gaurisaria, Judge,
Seventh Industrial Tribunal, Kolkata

Sri Tapabrata Sinha, 3, Deshbandhu Road, Madhyamgram , North 24
Parganas, West Bengal, Pin – 700 130

..... Applicant

-Vs.-

M/s. Millennium Commodities Pvt. Ltd. , C/o Arun Kumar Jalan, MD, 7,
Bright Street, Bright Apartment, Flat No. 9A & B, Kolkata - 700 019.

.....Opposite Party

A W A R D

DATED, 01/08/2023

Today is fixed for passing order in respect of the joint petition for compromise dated 20.07.2023 filed by both the parties.

The case record is taken up for passing order.

Perused the joint compromise petition, Memorandum of Settlement (Exbt. 1), both dated 20.07.2023 , reference U/s 10 of the Industrial Disputes Act, 1947 as well as evidence of the applicant Sri Tapabrata Sinha (P.W.1) and Sri Deb Prasad Roy (O.P.W.1), employee of the O.P./Company with a letter of authority dated 19th July, 2023, (Exbt.A).

It appears from the evidence of P.W.1 and O.P.W.1 that the matter in dispute has already been settled in between the parties in terms of Memorandum of Settlement dated 20.07.2023 , as mentioned in the compromise petition dated 20.07.2023. I further find from the said Memorandum of Settlement as well as from the evidence of both parties that an account payee cheque being No. 253730 dated 07.06.2023 drawn on Bank of India, Kolkata Branch, Kolkata – 700 001 of Rs. 2,00,000/- (Two lakhs) only has been handed over from M/s. Millennium Commodities Pvt. Ltd. as full and final settled amount as per Memorandum of Settlement and the same has been cleared and the amount mentioned in the cheque has been credited in the applicant's Bank Account . The Xerox copy of the cheque received by the applicant and receipt of the same , marked as Exbt. 2 (2 pages). The Xerox copy of No Objection Certificate with regard to motor cycle received by the applicant on 08.06.2023 issued by the O.P., marked as Exbt. 3. The Challan/receipt of Laptop in working condition (SR No. 6SFD622) issued by the applicant to the O.P. on 28.06.2023, marked as Exbt. 4. It further appears from the evidence of witness that the applicant received the settled amount and items as mentioned in the Memorandum of Settlement and has no grievance against the O.P./Company at present. Considered.



Contd.....P/2

sd/-
Judge
Seventh Industrial Tribunal

(2)

The joint compromise petition and Memorandum of Settlement both dated 20.07.2023 have duly been signed by the applicant, Tapabrata Sinha (P.W.1) and Sri Deb Prasad Roy (O.P.W.1), on behalf of the O.P./Company voluntarily. Since the matter has already been settled between the parties to the proceedings, I am of the view that this Tribunal should not stand in the way of their such settlement/compromise, which appears to be legal and valid, and so, this Tribunal finds no impediment in allowing such prayer, made jointly by the parties voluntarily.

Hence, it is

O r d e r e d

that the joint compromise petition dated 20.07.2023 is allowed and accordingly, the proceedings under Section 10 of the Industrial Disputes Act, 1947 be and the same is disposed of in terms of the Memorandum of Settlement dated 20.07.2023. The joint petition of compromise and Memorandum of Settlement, both dated 20.07.2023, be made part of the Award.

This is my Award.

Let six (6) copies of the Award be sent to the appropriate authority for information and taking necessary action.

Dictated & corrected by me.

sd/-

Judge

Judge

Seventh Industrial Tribunal



sd/-

(Yogita Gaurisaria)

Judge

7th Industrial Tribunal

Kolkata

01.08.2023

Judge

Seventh Industrial Tribunal