


/436805/2023

H.A.(IT) 14/09/2023  
 Dipankar 14/09/2023 :2:  
 No. Labr/. 844/11(5) (LC-IR) Date: 14/09/2023

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

1. M/s. Jindal (India) Ltd., N.H.-6, Vill - Jangalpur, P.O.- Argori, G.P. Andul, District- Howrah-711302.
2. Mr. Balram Agarwal, S/o. Late Jotram Agarwal, 262/2, G.T. Road, Ganesh Apartment, Liluah, Dist. - Howrah, Pin - 711204.
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, (11<sup>th</sup> 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/. 844/11(5) (LC-IR) Date : 14/09/2023

Copy forwarded for information to: -

1. The Judge, Second Industrial Tribunal, West Bengal, with respect to his Memo No. 1096- L.T. dated - 24/08/2023.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Assistant Secretary



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

No. Labr/. 844 / (LC-IR)/22015(16)/11/2023 Date: 14/09/2023

**ORDER**

WHEREAS an industrial dispute existed between M/s. Jindal (India) Ltd., N.H.-6, Vill-Jangalpur, P.O.-Argori, G.P. Andul, District- Howrah-711302 and their workman Mr. Balram Agarwal, S/o. Late Jotram Agarwal, 262/2, G.T. Road, Ganesh Apartment, Liluah, Dist. - Howrah, Pin - 711204 regarding the issue, being a matter specified in the second schedule to the Industrial Dispute Act, 1947 (14 of 1947);

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

AND WHEREAS, Second Industrial Tribunal, Kolkata heard the parties under section 10(1B) (d) of the I.D. Act, 1947 (14 of 1947).

AND WHEREAS Second Industrial Tribunal, Kolkata has submitted to the State Government its Award under section 10(1B) (d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial 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 dated 24/08/2023 in case No. 07 of 2021 as shown in the Annexure hereto vide memo no. 1096- L.T. dated - 24/08/2023.

**ANNEXURE**

(Attached herewith)

By order of the Governor,

Sd/-

Assistant Secretary  
to the Government of West Bengal



**Before the 2<sup>nd</sup> Industrial Tribunal, Kolkata**

**Present : Shri Partha Sarathi Mukhopadhyay, Judge**

**2<sup>nd</sup> Industrial Tribunal, Kolkata**

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**Case No. 07 of 2021**

**Under Section 10(1B)(d) of The Industrial Disputes Act, 1947**

**Balram Agarwal- - - - -Applicant**

S/O. Late Jotram Agarwal  
of 262/2, G.T.Road, Ganesh Apartment  
Liluah-711 204, District-Howrah.

-Versus-

**Jindal (India) Limited,**

having its Registered Office at N.H.-6, Village-Jangalpur ,  
Post Office- Argori, G.P. Andul,  
District-Howrah-711 302.

**- - - - -Opposite Party.**

**Date: 24.08.2023**

**J U D G E M E N T**

The case of the petitioner as per his written statement is that since 01.07.1991 he used to work in the Opposite Party Company as Assistant Accountant and he used to draw Rs. 36,000/- per month as salary alongwith other permissible perks and he was a member of the Employees State Insurance and Provident Fund and he used to discharge his duties with honesty and sincerity and when on 31.01.2020 he was on his duty, he was asked not to come on and from 01.02.2020 and subsequently one termination



letter was sent to him showing termination of his service w.e.f. 31.01.2020 without showing any reason and he was not given any opportunity to defend himself and then he approached the office of the Deputy Labour Commissioner, Howrah for his illegal termination from his service and since after termination he is unemployed till now and no settlement was made before the conciliation officer and after getting one certificate from the conciliation officer he has filed this case before this Tribunal and accordingly in this case he has prayed for a declaration that termination of his service dated 31.01.2020 is illegal and unjustified and he has also prayed for his reinstatement alongwith full back wages and consequential benefits.

The Opposite Party Company has filed written statement but thereafter the Opposite Party Company has not proceeded with this case in spite of repeated orders and for this reason the case has been heard exparte against the Opposite Party Company.

### **DECISION WITH REASONS**

In order to prove his case the petitioner has examined himself as the P.W.-1 and he has proved some documents.

On going through the Affidavit-in-Chief of the petitioner, I find that the contents of the Affidavit-in-Chief have similarity with the contents of the written statement filed by the petitioner and as the said oral evidence and the exhibited documents of the petitioner are remaining unchallenged by the Opposite Party Company, it is accepted and it can be considered legally.



So considering the above mentioned unchallenged oral evidence and documents exhibited by the petitioner in this case, I hold that the petitioner has been able to prove his case legally and accordingly I hold that he is entitled to get relief in this case as he was dismissed illegally by the Opposite Party Company without following the principles of natural justice.

Hence, it is

**ORDERED**

that the Case No. 07/2021 under Section 10(1B)(d) of The Industrial Disputes Act, 1947 is allowed exparte against the Opposite Party Company with a cost of Rs.30,000/-, which is to be paid by the Opposite Party company to the petitioner within one month from the date of this award.

It is hereby declared that the order of termination of service of the petitioner dated 31.01.2020 issued by the Opposite Party Company is illegal and unjustified, and have no legal value.

It is hereby declared that the petitioner is entitled to be reinstated in his previous service under the Opposite Party Company and he is entitled to get the entire full back wages alongwith other consequential benefits from the next date of the date of his dismissal from his service and the Opposite Party Company is directed to reinstate the petitioner in his previous service immediately and pay the entire full back wages alongwith other consequential




benefits from the next date of the date of his dismissal from his service within one month from this date of order.


Let this order and judgement be treated as an Award.

According to Section 17AA of The Industrial Disputes Act, 1947, let a certified copy of this Award be sent to the Additional Chief Secretary to the Government of West Bengal, Labour Department, New Secretariat Buildings, 1, K.S. Roy Road, Kolkata-700 001 for information, and let a certified copy of this Award be supplied to each of both the parties of this case, free of cost, forthwith for information.

The case is disposed of today.

Dictated & corrected by me.

  
Judge

  
Judge  
2nd Industrial Tribunal,  
Kolkata  
24.08.2023

**Judge**  
**2nd Industrial Tribunal**  
**West Bengal**