

I/437107/2023

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No. Labr/849 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. Kejriwal Castings Ltd., 33A, Chowringhee Road, 11th Floor, Room No. 11, Kolkata - 700071.
2. Sri Rameshwar Behera, S/o, Sri Dhruba Behara, 73/1, D.C.C.C. Road, Ghatak Bagan, Uttar Chandannagar (P), Dist. Hooghly - 712125.
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/849 .2/(2)/(LC-IR)

Date: 14/09/2023

Copy forwarded for information to:-

1. The Judge, Seventh Industrial Tribunal, Govt. of West Bengal, N.S. Building, 1, K.S. Roy Road, Kolkata - 700001 with respect to his Memo No. 1041- L.T. dated 14/08/2023.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Assistant Secretary

I/437107/2023

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

No. Labr/ 849 /(LC-IR)/22015(16)/18/2022 Date: 14/09 /2023

ORDER

WHEREAS an industrial dispute existed between M/s. Kejriwal Castings Ltd., 33A, Chowringhee Road, 11th Floor, Room No. 11, Kolkata - 700071 and Sri Rameshwar Behera, S/o, Sri Dhruba Behara, 73/1, D.C.C.C. Road, Ghatak Bagan, Uttar Chandannagar (P), Dist. Hooghly - 712125 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 of the Industrial Dispute Act, 1947 (14 of 1947) to the Seventh Industrial Tribunal specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, the Seventh 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 Seventh Industrial Tribunal has submitted to the State Government its Award dated 14/08/2023 in Case No. 17/2022/10 of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide memo no.1041- 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,

Sdt
Assistant Secretary
to the Government of West Bengal

Before the 7th Industrial Tribunals, Kolkata

Case No. 17/2022/10

Under Section 10 of the Industrial Disputes Act, 1947

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

Sri Rameshwar Behara, S/o, Sri Dhruba Behara, 73/1, D.C.C.C. Road, Ghatak Bagan,
Uttar Chandannagar (P), Dist. Hooghly- 712 125 Applicant/workman

Vs.

M/s. Kejriwal Castings Ltd., 33A, Chowringhee Road, 11th Floor, Room No. 11, Kolkata –
700 071 O.P./Company



A W A R D

DATED, 14/08/2023

Today is fixed for passing order in respect of the joint petition for compromise dated 10.08.2023, filed by both the parties.

The case record is taken up for passing order.

Perused the joint compromise petition, Memorandum of Settlement (Exbt. B), both dated 10.08.2023, petition U/s 10 of the Industrial Disputes Act, 1947 (as amended) as well as evidence of the applicant Sri Rameswar Behara (P.W.1) and Ms. Shalu Sharma (O.P.W.1), authorized representative of the Company namely M/s. Kejriwal Castings Ltd, so adduced in support of said compromise petition and also Exbt. A (authorization letter dated 04.03.2023).

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 10.08.2023, as mentioned in the compromise petition dated 10.08.2023. I further find from the said Memorandum of Settlement as well as from the evidence of both parties that the Company has issued two account payee cheques in favour of applicant, Rameswar Behara - one being No. 004867 dated 04.03.2023 drawn on HDFC Bank, Stephen House, Kolkata of Rs. 1,50,000/- (One lakh fifty thousand) only and another one being No. 058563 dated 04.03.2023 drawn on ICICI Bank, Chowringhee Road Branch of Rs. 46,010/- (Forty six thousand and ten) only and handed over the same to the applicant as settled amount and the said two cheques has already been credited to the Bank Account of the applicant and the applicant (P.W.1) has no grievance against the O.P./Company at present. Considered.

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The joint compromise petition and Memorandum of Settlement both dated 10.08.2023 have duly been signed by the applicant, Sri Rameswar Behara (P.W.1) and Ms. Shalu Sharma (O.P.W.1) representing 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

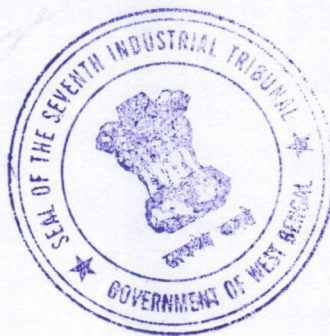
That the joint compromise petition dated 10.08.2023 is allowed and accordingly, the proceedings under Section 10 of the Industrial Disputes Act, 1947, as amended, be and the same is disposed of in terms of the Memorandum of Settlement dated 10.08.2023. The joint petition of compromise and Memorandum of Settlement, both dated 10.08.2023, 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
Seventh Industrial Tribunal



sd/-
(Yogita Gaurisaria)
Judge
7th Industrial Tribunal
Kolkata
14.08.2023
Judge
Seventh Industrial Tribunal