

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

No. Labr./ 560 /(LC-IR)/22015(16)/520/2019

Date : 13.06.2024

ORDER

WHEREAS an industrial dispute existed between M/s Variety Vyapaar (P) Ltd, 189, Bipin Behari Ganguly Street, Kolkata - 700012 and its workman Shri Mahadev Ghosh, 18, B. C. Chatterjee Street, Belghoria, Kolkata - 700056 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 of 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 21.05.2024 in Case No. 52 / 2014 on the said Dispute vide Memo No. Dte/7th I.T./088/2024 dated 31.05.2024.

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,



Assistant Secretary
to the Government of West Bengal

No. Labr/ 560 /1(5)/(LC-IR)

Date : 13.06.2024

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

1. M/s Variety Vyapaar (P) Ltd, 189, Bipin Behari Ganguly Street, Kolkata - 700012.
2. Shri Mahadev Ghosh, 18, B. C. Chatterjee Street, Belghoria, Kolkata - 700056.
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.



Assistant Secretary

No. Labr/ 560 /2(3)/(LC-IR)

Date : 13.06.2024

Copy forwarded for information to :-

1. The Judge, Seventh Industrial Tribunal, N.S. Building, 3rd Floor, 1, K.S. Roy Road, Kolkata - 700001 with reference to his Memo No. Dte/7thIT/088/2024 dated 31.05.2024.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.
3. Office Copy.

Assistant Secretary

H.A.(IT)
14/06/24

Dipankar
14/06/2024

In the 7th Industrial Tribunals, Kolkata

Case No. 52/2014

Under Section 2A(2) of the Industrial Disputes Act, 1947

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

Sri Mahadev Ghosh, 18, B.C. Chatterjee Street, Belghoria, Kolkata – 700 056.

.....Applicant/workman

Vs.

M/s. Variety Vyapaar (P) Ltd., 189, Bipin Behari Ganguly Street,
Kolkata – 700 012 .

..... O.P./Company

A W A R D

DATED, 21/05/2024

Today is fixed for passing award in respect of joint petition along with Memorandum of Settlement on compromise dated 03.05.2024 , filed by both the parties.

The case record is taken up for passing award.

Perused the joint petition along with Memorandum of Settlement (Exbt. B) dated 03.05.2024 and petition Under Section 2A(2) of the Industrial Disputes Act, 1947 (as amended) as well as evidence of the applicant Sri Mahadev Ghosh (P.W.1) and Mr. Dipak Kumar Pandey, General Manager (Operation) the authorized representative of the Company namely M/s. Variety Vyapaar (P) Ltd. (O.P.W.1), so adduced in support of said joint compromise petition , Memorandum of Settlement (Exbt.B) and also perused Exbt.A, C, D and Exbt. 1.

Contd.....P/2

Yogita Gaurisaria
Judge
Seventh Industrial Tribunal
21.05.2024



Considered.

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 03.05.2024 (Exbt. B) , I further find from the said Memorandum of Settlement as well as from the evidence of both parties that the Company has issued A/c payee cheques being Nos. 102235 of Rs.1,00,000/- and 102236 dated 03.05.2024 of Rs. 50,000/- respectively totaling Rs. 1,50,000/- (One lakh fifty thousand only) drawn on Bank of Maharashtra, Chitranjan Avenue Branch, Kolkata to the applicant as full and final settlement amount and the applicant has issued a money receipt of the same, marked as Exbt. 1 and the said cheques were handed over to the applicant as full and final settled amount and the amount of settlement 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. Xerox copies of Cheques has been marked as Exbts. C & D respectively . An original money receipt has been given to the O.P. to that effect ((Exbt. 1). The Memorandum of Settlement filed by the parties dated 03.05.2024 has duly been signed by the applicant, Sri Mahadev Ghosh (P.W.1) and Mr. Dipak Kumar Pandey (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.

Contd.....P/3

Yogita Gauriseri
Judge
Seventh Industrial Tribunal
21.05.2024



(3)

Hence, it is

Ordered

that the settlement between the parties is allowed and accordingly, the proceedings under Section 2A(2) of the Industrial Disputes Act, 1947, as amended, be and the same is disposed of in terms of the Memorandum of Settlement dated 03.05.2024. The Memorandum of Settlement dated 03.05.2024 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.

Yogita Gaurisaria
Judge

Judge
Seventh Industrial Tribunal

Yogita Gaurisaria
(Yogita Gaurisaria)
Judge

7th Industrial Tribunal
Kolkata
21.05.2024

Judge
Seventh Industrial Tribunal

