

I/187592/2022

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

N.S. Buildings, 12th Floor, 1, K.S. Roy Road, Kolkata - 700001

No. Labr//(LC-IR)/22015(16)/276/2018

Date:2022.

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. 327-IR/11L-106/15 dated 11.04.2016 the Industrial Dispute between M/s A. N. Pharmacia Laboratories Pvt. Ltd. 108, Bangur Avenue, Block-D, Kolkata-700055 and West Bengal Medical and Sales representative Union, 5, Sarat Ghosh Street, Kolkata-700014 regarding the issue mentioned in the said order, being a matter specified in the Second Schedule to the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Judge, Fifth Industrial Tribunal, West Bengal.

AND WHEREAS the Fifth Industrial Tribunal, West Bengal, has submitted to the State Government its award dated 06/04/2022 on the said Industrial Dispute vide memo no. 445/L.T. dated 06/04/2022.

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,

Joint Secretary

to the Government of West Bengal

No. Labr//(LC-IR)

Date:/2022.

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

1. M/s A. N. Pharmacia Laboratories Pvt. Ltd. 108, Bangur Avenue, Block-D, Kolkata-700055.
2. West Bengal Medical and Sales representative Union, 5, Sarat Ghosh Street, Kolkata-700014.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B. New Secretariate Buildings, 1, K. S. Roy Road, 11th Floor, Kolkata- 700001.
- ✓ 5. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.

No. Labr//(LC-IR)

Date:/2022.

Joint Secretary

Copy forwarded for information to:

1. The Judge, Fifth Industrial Tribunal, West Bengal with reference to his Memo No. 445/ L.T. dated 06/04/2022.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Joint Secretary

Before the 5th Industrial Tribunals, Kolkata

Case No. VIII-20/2016

Under section 10 of the Industrial Disputes Act, 1947

M/s. A. N. Pharmacia Laboratories Pvt. Ltd.

-Vs-

Union

AWARD

The industrial dispute between M/s. A. N. Pharmacia Laboratories Private Limited, 108, Bangur Avenue, Block-D, Kolkata – 700055 and their Workers represented by West Bengal Medical and Sales representative Union, 5, Sarat Ghosh Street, Kolkata – 700 014 has been referred by the Labour Department, Government of West Bengal, I.R. Branch, N. S. Buildings, 12th Floor, Kolkata – 700001 to the Seventh Industrial Tribunal Vide, G. O. No. 327-IR/11L-106/15, dated 11/04/2016 for adjudication upon the under mentioned issues:-

ISSUE (S)

- 1) Whether the transfer of Sri Nilay Guha by M/s. A. N. Pharmacia Laboratories Pvt. Ltd. With effect from 01/01/2014 Purulia Head Quarter to Jalpaiguri Head Quarters is justified?
- 2) What relief if any is he entitled to?

Both parties were present. Ld. Advocate for the M/s. A. N. Pharmacia Laboratories Pvt. Ltd. as well as Ld. Adv. for the workman / union are also present. A joint application has been filed by both the parties contending that the disputes in the present case has been mutually settled among them out of court / tribunal and to that effect one memorandum of settlement dated 05/04/2022 has been prepared and finalized the disputes in terms of the memorandum of the settlement. Under this circumstances, both the parties prayed before this tribunals for disposal of this case in terms of the memorandum of settlement dated 05/04/2022.

The Logistics & Accounts Officer of M/s. A. N. Pharmacia Laboratories Pvt. Ltd. namely Sri Ajit Koley has been examined as OPW-1 and his cross-examination was declined by the Ld. Adv. of the petitioner. Said Sri Ajit Koley has categorically stated that the dispute has been settled by and between the parties in terms of such settlements. He also stated that he has been duly authorized by his Managing Director Sri Aniruddha Neogy to depose in this case and the authorization letter is marked as Exbt.-A. He further stated that he know about the content of the settlement and the management has no objection to settle the dispute as per the terms and conditions of the memorandum of the settlement.



Sri Niloy Guha is examined as PW-1 and he was the workman of M/s. A. N. Pharmacia Laboratories Pvt. Ltd. and he also admitted and agreed about the terms of settlements and prays for the disposal of the case in view of the terms and conditions of the memorandum of the settlement.

The Tribunal has carefully examined the terms of memorandum of settlement and also has scrutinised the signatures appeared in the memorandum of settlement by both the parties.

Having regard to the facts and circumstances and considering the materials on record and the terms of the settlement, the Tribunal is of the opinion that the terms and condition of the memorandum of settlement dated 05/04/2022 by and between the parties of this case is legally valid and proper. There is no legal impediment to accept the terms and conditions of the settlement and to dispose of the case between the parties.

Hence, it is

ORDERED

that the joint applications dt. 05/04/2022 filed by both the parties are allowed in presence of both the parties of this proceeding and accordingly the case is finally disposed of in terms of memorandum of settlement dated 05/04/2022 and the said memorandum of settlement be made part of the award.

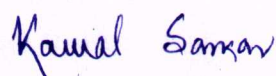
This is the Award of this Tribunal.

Dictated & Corrected by me.



Judge
5th Industrial Tribunal
06/04/2022

Judge,
5th Industrial Tribunal
Govt. of West Bengal


(Kamal Sarkar)

Judge
5th Industrial Tribunal
06/04/2022

Judge,
5th Industrial Tribunal
Govt. of West Bengal

