

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

No. Labr/1994/17(LC-IR)/22015(16)/69/2018

Date : 02/11/2021.

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. 956-I.R./IR/11L-78/2015 dated 17/09/2015 the Industrial Dispute between M/s Annada Cold Storage (P) Ltd. P.O.- Naisarai, P.S. - Arambagh, Hooghly and Hooghly District Cold Storage Employees Union, 85/3, G. T. Road (West) Serampore, Hooghly regarding the issue mentioned in the said order, being a matter specified in the Second / Third Schedule to the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Judge, Third Industrial Tribunal, West Bengal.

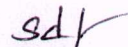
AND WHEREAS the Third Industrial Tribunal, West Bengal, has submitted to the State Government its award dated 04/10/2021 on the said Industrial Dispute vide memo no. 1208 - L.T. dated - 07/10/2021.

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,



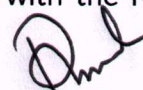
Joint Secretary
to the Government of West Bengal

No. Labr/1994/1(1)/(LC-IR)

Date : 02/11/2021.

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

1. M/s Annada Cold Storage (P) Ltd. P.O.- Naisarai, P.S. - Arambagh, Hooghly .
2. Hooghly District Cold Storage Employees Union, 85/3, G. T. Road (West) Serampore, Hooghly.
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.



Joint Secretary

No. Labr/1994/2(2)/(LC-IR)

Date : 02/11/2021.

Copy forwarded for information to :

1. The Judge, Third Industrial Tribunal, West Bengal with reference to his Memo No. 1208 - L. T. dated. 07/10/2021.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.

Joint Secretary

BEFORE THE THIRD INDUSTRIAL TRIBUNAL, WEST BENGAL.

Present - Sanjeev Kumar Sharma,
Judge, 3rd Industrial Tribunal,
Kolkata.

Case No. VIII-04/2017.

A W A R D

Date-04.10.2021

In the matter of an Industrial Dispute between Messers Annada Cold Storage (P) Ltd., P.O.- Naisarai, PS- Arambagh, Hooghly and Hooghly District Cold Storage Employees Union, 85/3, G. T. Road (West) Serampore, Hooghly referred to this Tribunal vide Reference order No. Labr./408/(LC-IR) / IR/11L-25/2017 dated 17.04.2017 corrected under order Nos. Labr./739/(LC-IR)/IR/11L-25/17 dated 17.07.2017 and Labr./ 314/(LC-IR)/ /11L-25/17 of the Labour Department, Govt. of W.B. for adjudicating the following issues.

ISSUES

1. Whether the termination of service of the four workmen namely a) Munshi Mojaffar Hossain, b) Sri Gour Ch. Lohar, c) Sri Bholanath Karmkar and d) Sri Srikanta Das by way of refusal of employment by the management w.e.f. 01.06.2015 justified?

2. If not, what relief they are entitled to ?

The union filed written statement stating that the four workmen had been the workers of the cold storage since 01.04.2000. They worked there till November 2012 as the cold storage stopped operation from December 2012. The cold storage reopened on 12.02.2015 with changed ownership and when the workmen went to join their duties on 16.02.2015 they were told by the owners that loading operation was going on and after completion of the same they would be allowed to join their duties. After completion of loading the workmen again went to join their duties on 02.04.2015 but they were not allowed to do so and were driven out forcefully. The workmen then moved before the Asst. Labour Commissioner, Arambagh, Hoogly through their union on 20.05.2015. A meeting was held in the office of the Asst. Labour Commissioner in which the old and new owners, affected workmen and two

representatives of the union participated. It was decided in the meeting that the workmen should remain in their services as before, the owners would issue appointment letters to them and they should join on 01.06.2015. According to the decision the workmen went to join on 01.06.2015 along with the offer letters issued by the managing director of the company on 25.05.2015 but they were not allowed to join by the management and were driven out with the aid of hooligans. They again went to join their duties on 15.06.2015 but they were again driven out. The workmen then moved SDO, Arambagh through the union on 31.08.2015. The SDO wrote to the Managing Director of the company and Asst. Labour Commissioner, Arambagh on 06.10.2015 for smooth joining of the workmen and also instructed the I/C of Arambagh P.S. to see the peaceful joining of the workmen without any resistance. On 10.10.2015 the work men again went to join their duties but they were beaten up mercilessly forcing them to leave the place. On 06.01.2016 the workmen lodged a case at Arambagh P.S. being No. 22/2016 dated 06.01.2016 u/ss 341/323/506/34 IPC. When all the attempts failed the union and the workmen moved before the Dy. Labour Commissioner, Serampore, Hooghly on 28.01.2016, 04.01.2017 and 06.01.2017 to mitigate the matter and the Dy. Labour Commissioner forwarded the matter to this tribunal.

The Company/cold storage in their written statement in three parts denied all the material allegations made by the union. According to the Company the erstwhile management was forced to declare closure/suspension of work due to paucity of funds, labour unrest and other circumstances beyond its control but all the workmen raised grievance with Addl. Labour Commissioner on 05.03.2013 alleging nonpayment of wages during the period of closure/suspension of work and after negotiations and conciliation held in the office of Assistant Labour Commissioner on 20.05.2015 it was settled that the cold storage would be reopened and the workmen would be given all opportunities of re-employment. According to the settlement fresh appointment letters were issued to the workmen directing them to join their duties on 01.06.2015 but they did not report to their duties as directed which led the company to make complaint before the Assistant Labour Commissioner, Arambagh on 24.06.2015, but no communication was received by the company either from the union or the workman or the Conciliation Officer. Company

asserts that it never terminated the service of the workman by way of refusal as alleged. The company further asserts that the reference made by the Government is bad in law as there is no industrial dispute and the union has no locus standi to raise the dispute. It is further asserted that there is no master-servant relationship between the parties and no formal dispute was raised by the union before approaching the Conciliation Officer. According to the company the allegations of driving out the workman from the cold storage refusing employment to them is false and baseless. The company prayed for rejection of the written statement filed by the union.

After filing of written statements and their respective documents by the parties the Tribunal proceeded to try the issues.

In support of their case the union examined its secretary Mr. Achintya Das as PW1 and brought on record the following documents.

1. Copy of list of the four workmen / members of applicant union as Exhibit-1.
2. Copies of documents relating to membership of the workers involved in this case including their related documents as Exhibit-2 (14 sheets).
3. Copy of notice relating to stoppage of operation of the cold storage dated 01.03.2013 as Exhibit-3.
4. Copy of letter dated 13.03.2015 of applicant addressed to the Asst. Labour Commissioner, Arambagh, Hooghly as Exhibit-4 .
5. Copy of proceeding held in the office of Asst. Labour Commissioner, Arambagh, Hooghly dated 20.05.2015 as Exhibit-5.
6. Copies of offer letters addressed to the workers issued by the Managing Director of the cold storage as exhibit-6 (4 sheets).
7. Copy of letter of the cold storage dated 19.03.2013 addressed to the Asst. Labour Commissioner, Arambagh, Hooghly, a notice dated 01.03.2013 and a memo. Dated 20.03.2013 issued by the A.L.C., Arambagh, Hooghly as Exhibit-7 collectively (4 sheets).
8. Copy of letter of S.D.O., Arambagh, Hooghly dated 06.10.2015 as Exhibit-8.
9. Copy of complaint lodged with the I.C., Arambagh P.S. and formal FIR in connection with Arambagh Case No.22/16 dated 06.1.2016 as Exhibit-9 (3 sheets).
10. Copies of letters dated 28.1.2016 and letter dated 4.1.2017 addressed to Dy. Labour Commissioner, Srirampore, Hooghly and letter dated 6.1.2017

addressed to the secretary, Hooghly Himghar Employees' Union, Srirampore as Exhibit-10 (3 sheets).

The Company examined its Director Mr. Bhudev Kundu as OPW1 and brought the following documents on record.

1. Copies of four joining letters issued in favour of the four workmen as Exhibit-A series.
2. Copy of the letter of company addressed to Asst. Labour Commissioner, Arambagh with annexure as Exhibit-B.
3. Copy of letter dated 08.04.2013 of Asst. Labour Commissioner, Arambagh addressed to the company and the workmen as Exhibit-C.
4. Copy of Form DIR-12 as Exhibit-D.

DECISION WITH REASONS

Learned Advocate for the company, during arguments, submits that the dispute regarding the alleged refusal of employment was never raised before the company by the union or the workmen prior to raising the same before the Conciliation Officer as such the reference itself is not maintainable. He argues that no material has been produced to show that the workmen had worked for 240 days preceding one year from the date of the alleged refusal. He contends that if the alleged refusal amounted to termination, section 25F of the I. D. Act would apply where continuous service as defined in section 25B is the condition precedent. When the cold storage was closed since 2012 how the workmen can be said to be in continuous service. He further submits that there is no pleading or evidence that the workmen were not employed gainfully as such there arises no question of any back wages. He submits that the workmen were duly offered employment on the resumption of work by the company in terms of the settlement arrived at the conciliation proceeding dated 20.05.2015 but the workmen themselves did not turn up to join on 01.06.2015 for the reasons best known to them. He contends that no evidence or material is produced by the union to support their plea that the workmen had reported to join their duties and they were driven out from the company premises. He submits that it is not a case of refusal of employment but it is a case of voluntary

abandonment of service by the workmen. He adds that the closure of the cold storage has not been challenged by the union as such the Tribunal cannot enter into the question of closure and it has to confine itself to the issues mentioned in the reference as the Tribunal cannot travel beyond the terms of reference.

In support of his contentions learned Advocate of the company refers to the following decisions.

- (1) ***Delhi Cloth and General Mills Co. Ltd. Vs Their workmen reported in 1967 1 LLJ 423 .***
- (2) ***Managing Director, Haryana Seeds Development Corpn. Ltd. Vs. Presiding Officer reported in 1997 II CLR 395.***
- (3) ***Capital Ltd. Vs. 8th Industrial Tribunal, reported in 2006 III FLR 597.***
- (4) ***Deepak Industries Ltd. Vs. 8th I.T., reported in 1975 (30) FLR 106.***
- (5) ***Maharaja Shree Umaid Mills Ltd. Vs. Judge, Labour Court, reported in 2006 I CLR 269.***
- (6) ***M/s. Indian Hume Pipe Co. Ltd. Vs. their workmen, reported in 1968 (17) FLR 150.***
- (7) ***Jaswinder Singh Passi vs. Rajasthan State Road Transport Corporation, reported in 1992 II LLJ 177 and***
- (8) ***UP State Brassware Corporation Ltd. Vs. Udainarayan Pandey, reported in 2006 (108) FLR 201.***

Learned Advocate for the union on the other hand submits that the union is a registered union and the workmen are the members thereof as such the union has every authority to espouse the cause of the workmen. He submits that the union has all along been fighting for the workmen. He further submits that closure means the permanent closure but in this case it was mere suspension of work for some time and not the permanent closure. He further submits that the plea of the company that the workmen did not report for joining on 01.06.2015 is not substantiated as the company never issued any letter to the workmen asking them the reasons for their not joining the company. He further submits that the contention of the company that the workmen never raised dispute with the company before raising the same with the Conciliation Officer is also baseless as the workmen were repeatedly driven

out from the cold storage whenever they went to join. He submits that the workmen had to lodge FIR as they were mercilessly assaulted in the cold storage premises. He submits that a genuine industrial dispute exists between the company and the union as such the instant reference is very much maintainable. In support of his contentions learned Advocate for the union cites the following decisions:-

- (1) ***M/s. Maruti Udyog Ltd. Vs. Ramlal & Ors., reported in AIR 2005 SC 851.***
- (2) ***Management of Express Newspapaer Pvt. Ltd. Vs. the Workers, reported in AIR 1963 SC 569 and***
- (3) ***G.T. Lad vs. Chemicals & Fibres India Ltd., reported in AIR 1979 SC 582.***

Looking at the pleadings and evidence of the parties it appears to be an admitted position that the workmen has been working in the company before it stopped operation in December 2012. Exhibit-3 is the copy of notice issued by the company which goes to show that the suspension of work of the cold storage was declared on 01.03.2013. There is nothing in the written statement or evidence of the union to show that dispute was raised against the suspension of work. PW1 stated in his cross-examination that no industrial dispute was raised on the closure of the company.

Exhibit-C, letters dated 08.04.2013 and 16.04.2013 of the Asst. Labour Commissioner, Arambagh addressed to the company and the workmen goes to show that some issue of non-payment of wages against the company was raised by the workmen. PW1 did not whisper in his evidence about the letters. Exhibit-4, letter dated 13.03.2015 of the union addressed to the Asst. Labour Commissioner, Arambagh speaks of a letter dated 19.03.2013 of the company addressed to the Asst. Labour Commissioner, Arambagh stating that the management of the company had stated that all the workmen should be taken back to their jobs as before with payment of unpaid wages from 3/2013 but neither PW1 throw any light of this matter in his evidence nor any question in that respect was put to OPW1 during his cross-examination. Entire evidence of PW1 centers around the alleged refusal of the company to allow the workmen to join their duties in terms of resolution taken in the meeting dated 20.05.2015

held in the office of the Asst. Labour Commissioner, Arambagh in presence of the previous and then owners of the cold storage, affected workmen and two representatives of the union. It therefore appears that the issues raised prior to the reopening of the cold storage were set at rest by the resolution dated 20.05.2015 in presence of all the stake holders. The moot question in this case is whether the workmen were refused employment by not allowing them to join their duties on 01.06.2015 and on subsequent dates in terms of the resolution dated 20.05.2015.

In ***Delhi Cloth and General Mills Co. Ltd.*** case the Hon'ble Supreme Court held that the tribunal must confine it's adjudication to the points referred to and the matters incidental thereto. In other words, the tribunal is not free to enlarge the scope of the dispute referred to it but must confine its attention to the points specifically mentioned and anything which is incidental thereto.

Learned advocate cited the decisions of the Hon'ble Calcutta High Court in ***Capital Ltd. Vs Eight Industrial Tribunal, W.B. reported in 2006 (111) FLR 597*** and in ***Deepak Industries Ltd. Vs State of W.B. reported in 1975 (30) FLR 106*** in support of his argument that union had no authority to espouse the cause of the workmen and that the workmen did not raise dispute with the employer. Exhibit-2 are the copies of the membership identity card and subscription receipts issued by the union in the names of the four workmen and Exhibit-1 is the certificate of the union certifying that the workmen are the members of the union. Evidence of PW1 is that he is the secretary of the union. Exhibit-9 is the copy of the FIR submitted by the workmen before I/C Arambagh PS on 06.01.2016 wherein they stated that they were the members of Hooghly District Cold Storage Employees Union. There is no evidence or material on record to show that the union is not a registered union or it is a fake union. No suggestion to that effect was given to PW1 during his cross-examination. In ***Capital Ltd. Case*** the company had challenged the authority of the union before the conciliation officer but in this case we find that the resolution dated 20.05.2015 in the office of the Asst. Labour Commissioner, Arambagh was taken in presence of the management, workmen and representatives of the union. In ***Deepak Industries*** case there was no authorization of the union by individual workman or a number of workmen out of the 174 dismissed workmen and the dismissed workmen had ceased to have

any interest in the employment but in this case we find that the all the four workmen had been consistently trying to join their duties in terms of the resolution dated 20.05.2015. Exhibit-10 are the letters dated 28.01.2016 and 04.01.2017 of the union addressed to the Dy. Labour Commissioner, Serampore, Hooghly through which the union raised the issue of repeatedly preventing the four workmen from joining their duties by the men indirectly engaged by the management. Exhibit-8, copy of letter of SDO, Arambagh dated 06.10.2015 addressed to the management of the company shows that the workmen approached SDO, Arambagh so that they could join their duty in the company. Exhibit-9 is the copy of FIR dated 06.01.2016 lodged by the workmen for the alleged assault upon them when they went to join duty on 10.10.2015. It is therefore not a case where the workmen lost interest in the employment with the company. Considering the facts and circumstances as well as the evidence and materials on record there appears existence of industrial dispute all along. I therefore, find no force in the claim of the company that the union has no *locus standi* to espouse the cause of the workmen or that there existed no industrial dispute. Thus, the decisions in **Capital Ltd. Case** and **Deepak Industries** case are of no assistance to the company in the facts of this case.

Learned advocate for the Company relied upon the decision of the Hon'ble Rajasthan High Court in **Maharaja Shree Umaid Mills Ltd. Vs Judge, Labour Court reported in 2006 1 CLR 269** in support of his contention that there was no refusal to work on the part of the Company and burden is upon the union to prove that the company refused work to the workmen. Now, the circumstances and evidence in this case clearly show that the workmen always expressed their willingness to join their duty. Evidence of OPW1, director of the Company, to the effect that he had no personal knowledge that either on 01.06.2015 or on 15.06.2015 the four workmen had been to the company to join their services or not, is not commensurate to exhibit-B whereby the company sought necessary instruction from Asst. Labour Commissioner, Arambagh on the ground that the employees of the cold storage failed to report for their duties as per resolution dated 20.05.2015. Moreover, the letter does not speak the names of the four employees which cast doubt as to whether it relates to all the employees of the company or the four workmen only. Obviously the company did not ask the workmen that why they did not report

on 01.06.2015. It is the consistent case of the workmen that whenever they went to the company to join they were not allowed to do so. The company wrote promptly to the Asst. Labour Commissioner seeking instructions for the alleged failure of the employees to join but there is no material on record to show the action taken by them on receiving communication from SDO, Arambagh. The FIR (Exhibit-9) alleges that some workers of the company at the behest of the owners did not allow them to join. The circumstances clearly indicate the complicity of the company in the matter of the inability of the workmen to join their duty. In the facts and circumstances the decision in ***Maharaja Shree Umaid Mills Ltd.*** is of no avail to the company. Refusal by the Company to allow the workmen to join their duty certainly amounts to retrenchment.

Learned advocate for the Company, in support of his contention that the closure was not challenged by the workmen as such the tribunal cannot inquire into the motive of closure, cites the decision of the Hon'ble Supreme Court in ***Indian Hume Pipe Co. Vs Their workmen reported in FLR 1968 (17) SC 145.*** Learned advocate for the union on the other hand relies on the decision in ***Management of Express Newspapers Ltd. v. Workers and Staff employed under it reported in AIR 1963 SC 569***

The distinction between a lockout and a closure has been explained by the decision of the Hon'ble Supreme Court in the ***Management of Express Newspapers Ltd. v. Workers and Staff employed under it reported in AIR 1963 SC 569*** where it was observed by the Hon'ble Supreme Court that in the case of a closure the employer does not merely close down the place of business but he closes the business itself finally and irrevocably. A lockout on the other hand indicates the closure of the place of business and not closure of the business itself.

In ***M/s Maruti Udyog Ltd. Vs Ram Lal and others reported in 2005 AIR SCW 654*** the Hon'ble Supreme Court held, "The Parliament amended the provisions of the 1947 Act by inserting Section 25FF and Section 25FFF therein by reason of the Industrial Disputes (Amendment) Act, 1957 with effect from 28-11-1956, as it was found that having regard to the helpless condition to which workman would be thrown if his services are terminated without payment of compensation and presumably on the ground that if a reasonable compensation is awarded, he may be able to find out an alternative

employment within a reasonable time. In the case of closure of an industrial undertaking the Act contemplates payment of compensation alone”.

Evidently the suspension of work has not been challenged in this case nor has any case of closure been made out by any of the party. The reference speaks of refusal of employment on 01.06.2015 only. The notice dated 01.03.2013 (Exhibit-3) shows that it was a suspension of work due to financial crisis with the hope of reopening of the cold storage at the earliest. Evidently the company resumed its operation again in 2015. It is therefore found that the operation of the cold storage was closed for a certain period but there was no legal closure within the meaning of section 2(cc) of the Industrial Act 1947. Since there was no lawful closure the workmen are deemed to be in continuous employment. In absence of any evidence to the effect that the workmen were retrenched according to law by the company at the time of suspension of work there arises no question of their re-employment within the meaning of section 25H of the I. D. Act. Thus, the decision of the Hon'ble Rajasthan High Court in **Jaswinder Singh** has no application in this case. Since there was no closure in the eye of law and the workmen did not challenge the suspension of work reason of which is stated to be financial crisis, there is no occasion to inquire into the question of motive behind closure. In the facts and circumstances of this case where there is no closure according to law, the decision in **Managing Director, Haryana Seeds Development Corpn. Ltd.** has no manner of application in this case.

The company's claim that the workmen abandoned their service does not find support from the facts and circumstances of the case as the evidence on record clearly shows that despite issuing joining letters to the workmen were not allowed to join their duties. On the other hand, we find that the workmen all along fought for joining the company. The company's case that the workmen voluntarily abandoned their service does not stand in view of the legal proposition laid down in **G. T. Lad Vs Chemical and Fibres Ltd. reported in AIR 1970 SC 582**, referred to by learned advocate for the union. Had the workmen abandoned their service with the company and relinquished their job, the instant case would not have come into existence.

On carefully considering the entire facts and circumstances and the evidence and materials on record we find that the company issued joining

letters to the workmen asking them to join on 01.06.2015 but it took no step to ensure their joining. It would be absurd to believe that it did not come to the knowledge of the company that some of the workers repeatedly obstructed the joining of the workmen. The company cannot absolve itself merely by writing a letter to the conciliation officer seeking instructions as a skin saving device. Such obstruction to the workmen from joining to their duties indirectly through other workers amounts to refusal of employment which is nothing but termination of service of the workmen in guise. Thus, the issue No. 1 is answered in negative.

Now, the question is that to what reliefs the workmen are entitled. Learned advocate for the company cites the decision of the Hon'ble Supreme Court in **UP State Brassware Corporation Ltd.** to support his contention that the workmen are not entitled to any back wages as they did not plead and prove that they were not gainfully employed. The Hon'ble Supreme Court in this case held that plea of not gainfully employed should be raised by the employee and also that no precise formula could be laid down as to under what circumstances payment of entire back wages should be allowed and also that payment of back wages is not automatic and it depends upon the facts and circumstances of each case.

Evidently, the operation of the cold storage was closed from December 2012 to 01.06.2015 and no dispute was raised in that regard. The workmen did not demand any wages during that period in their written statement. The prayer in the examination-in-chief on affidavit of PW1 for wages from 01.04.2009 appears absurd and baseless. It is no case of the union either in the pleading or in the evidence of PW1 that the workmen were not employed anywhere in the meantime yet the fact remains that the workmen were kept out of employment since 01.06.2015 by the company in a cloaked manner and the workmen had been running from pillar to post for joining their duty obviously for wining bread and butter for their families.

After taking into account all the facts and circumstances of this case and foregoing discussions this tribunal is of the view that the workmen namely a) Munshi Mojaffar Hossain, b) Sri Gour Ch. Lohar, c) Sri Bholanath Karmkar and d) Sri Sriknta Das are entitled to reinstatement in their service. In view of the fact that the operation of the cold storage was stopped from December 2012 to

(VIII-04/2017)

01.06.2015 and the said suspension of work was not challenged, I am not inclined to award back wages during the period of suspension. In absence of any evidence from the union to indicate that the four workmen were not gainfully employed anywhere else and also keeping in mind that the company had to stop operation of the cold storage due financial crisis, I hold that back wages from 01.06.2015 till their date of reinstatement at the rate of 10% would be just and reasonable.

Issue No. 2 is disposed of accordingly.

Both the issues are thus disposed of.

Hence it is,

Ordered

That the workman a) Munshi Mojaffar Hossain, b) Sri Gour Ch. Lohar, c) Sri Bholanath Karmkar and d) Sri Sriknta Das are entitled to reinstatement in their service with 20% of back wages from 01.06.2015 till their reinstatement.

Messers Annanada Cold Storage (P) Ltd., PO- Naisarai, PS- Arambagh, Dist.- Hooghly is directed to reinstate the workmen namely a) Munshi Mojaffar Hossain, b) Sri Gour Ch. Lohar, c) Sri Bholanath Karmkar and d) Sri Sriknta Das in service and pay 10% of back wages to them from 01.06.2015 till their reinstatement within 90 days this award.

Let, the copies of the award be sent to the Labour Department, Government of West Bengal in accordance with the usual rules and norms.

This is my award.

Dictated and corrected by me

sd/-

Judge

sd/-

(Sanjeev Kumar Sharma)

Judge

3rd Industrial Tribunal

Kolkata

04.10.2021