

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

No. Labr/2050/(LC-IR)/22015(15)/4/2020

Date : 16-11-2021.

**ORDER**

WHEREAS under the Government of West Bengal, Labour Department Order No. 1594/(LC-IR)/22015(15)/4/2020-IR/11L-35/2015 dated 10/11/2020 the Industrial Dispute between M/s. Om Forging & Engineering Pvt. Ltd. Bangihati, Delhi Road, Serampore, Dist. – Hooghly, Pin – 712203 and its workmen represented by Om Forging & Engineering (P) Ltd. Permanent Shramik Union , 85/3, G.T. Road (West), Mallikpara, Serampore, Hooghly, Pin - 712203 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, Third Industrial Tribunal, West Bengal.

AND WHEREAS the Third Industrial Tribunal, West Bengal, has submitted to the State Government its award dated 26/10/2021 on the said Industrial Dispute vide memo no. 1278 - L.T. dated – 29/10/2021.

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/2050/15/(LC-IR)

Date : 16-11-2021.

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

1. M/s Om Forging & Engineering Pvt. Ltd. Bangihati, Delhi Road, Serampore, Dist. – Hooghly, Pin – 712203.
2. Om Forging & Engineering (P) Ltd. Permanent Shramik Union , 85/3, G.T. Road (West), Mallikpara, Serampore, Hooghly, Pin - 712203.
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, 11<sup>th</sup> 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/2050/...../(LC-IR)

Date : 16-11-...../2021.

Copy forwarded for information to :

1. The Judge, Third Industrial Tribunal, West Bengal with reference to his Memo No. 1278 – L. T. dated. 29/10/2021.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.

Joint Secretary



In the Third Industrial Tribunal, West Bengal  
New Secretariat Buildings, Kolkata

**P R E S E N T :**

**Shri Sanjeev Kumar Sharma, Judge,  
Third Industrial Tribunal, Kolkata.**

**Case No.014/2020/10; u/s. 10 of the I.D. Act, 1947**

An industrial dispute exists between M/s. Om Forging & Engineering Pvt. Ltd., Bangihati, Delhi Road, Serampore, Dist.- Hooghly, PIN-712203 and its workmen represented by Om Forging & Engineering (P) Ltd. Permanent Shramik Union (Regn. No.28682), 85/3, G.T. Road (West), Mallikpara, Serampore, Hooghly, PIN - 712203, vide Labour Department's Order of Reference No.Labr/1594/(LC-IR)/22015(15)/4/2020-IR/11L-35/2015 dated 10.11.2020.

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**A W A R D**

**Dated : 26-10-2021**

Today is fixed for filing list of documents by the union and filing documents by both sides.

Ld. Advocate for the company and the President of the union are present.

It is jointly submitted that the parties have settled their dispute mutually and they have entered into a Memorandum of Settlement. A Memorandum of Settlement along with a petition signed by both the sides is filed with prayer to pass award in terms of the Memorandum of Settlement.

President of the union namely Sri Asim Mukherjee and Sri Gurudas Das, Manager of the company are examined in open Tribunal touching the terms of the settlement.

Heard ld. Advocate for the company and the president of the union.

Having considered the facts and circumstances and the submissions of both sides, as well as the deposition of the President of the union and the Manager of the company it appears that the parties have voluntarily entered into the Memorandum of Settlement and they voluntarily seek passing of an award in terms of the Memorandum of Settlement.

It also transpires from the Memorandum of Settlement that the employee concerned with the matter which led to the declaration of suspension of work, has also settled the dispute.

Having heard both sides and considering the circumstances and the nature of the dispute, the Memorandum of Settlement filed by the parties is accepted.

The instant reference is disposed of in terms of the Memorandum of Settlement.

As the union has no grievance against the company the Issue No. 1 is answered in affirmative and Issue No. 2 is answered in negative in the light of the Memorandum of Settlement. The Memorandum of Settlement be made part of the award.

The Award is passed accordingly.

Let copies of the Award be sent to the Government of West Bengal as per usual norms.

Dictated & corrected by me

*Sd/-*  
Judge

*Sd/-*  
Judge  
Third Industrial Tribunal  
Kolkata  
26-10-2021



BEFORE THE LEARNED THIRD INDUSTRIAL TRIBUNAL, WEST BENGAL

At Kolkata.

Case No.-014/2020/10

IN THE MATTER OF:

An Industrial Dispute purported to be  
existing;

-Between-

M/s Om Forging & Engineering Pvt. Ltd.

Vill: Bangihati, Delhi Road

Serampore,

Dist. Hooghly, Pin-712 203

AND

Om Forging & Engineering (P) Ltd.

Permanent Shramik Union (Serampore,

Hooghly), (Regn. No. 28682), 85/3,

G.T.Road(West), Mallikpara, Serampore,

Hooghly

Pin- 712 203. Purporting to be the  
representative of the workmen.

AND

IN THE MATTER OF:-

G.O.No.1594/ (LC-IR) 22015(15)/4/2020

Dated, 10<sup>th</sup> November 2020.

Humble joint petition on behalf of the  
parties.

3/11/2020

Asim Mukherjee

Gurudas Das

Asim Mukherjee  
Filed by  
Vishay  
Admission  
26/11/21



Most respectfully Shweeth:-

1. That the above case is pending before this Ld. Tribunal.
2. That the parties have arrived at an out of Court Settlement, a copy of the same is annexed herewith and marked as annexure "A" to this petition.
3. That the concerned workman Shri Sanyasi Ghosh has been paid the entire amount, as mentioned in clause 5(b) of the said settlement. A Photo copy of the Account Payee Cheque No. 801278 dated 22<sup>nd</sup> October 2021 drawn on HDFC Bank, 2 Jogendra Kaviraj Row, Kolkata-700007 Branch Amounting to Rs.2,00,000/= (Rupees Two Lakhs only) and a photocopy of the receipt /voucher are annexed herewith and Marked as Annexure "B" collectively.

Under the circumstances it is humbly prayed that Ld. Court be pleased to pass the necessary Award in terms of the settlement.

And for this act kindness your petitioner as in duty bound shall ever pray.

Date 26/10/2021

*Asim Mukherjee*

*Gurudas Das*

*অসিম মুখার্জী*



Verification

We, Ashim Mukherjee, the President of the Union along with Sanyashi Ghosh, the General Secretary of the Union (also an employee in the company) in the instant matter and Gurudas Das, the manager of the employer Company in the instant matter do hereby state and declare that the statements made hereinabove are true to the best of our knowledge and belief save and except our respectful submissions before this Ld. Tribunal.

We sign this verification today the 26<sup>th</sup> day October of 2021 at Ld. Tribunal premises.

Ashim Mukherjee  
37/55/1 G 37/55/1

Gurudas Das



MEMORANDUM OF SETTLEMENT

1. Name of the Parties:- M/s Om Forging & Engineering Pvt.  
Ltd.

Vill: Bangihati, Delhi Road, Serampore,  
Dist. Hoooghly -721 203

AND

Om Forging & Engineering (P) Ltd.  
Permanent Shramik Union (Serampore,  
Hooghly), (Regn. No. 28682), 85/3,  
G.T.Road(West), Mallikpara, Serampore,  
Hooghly- Pin 712 203.

2. Representing Employer:- Shri Gurudas Das (Manager of Factory)

3. Representing Employee:- Shri Ashim Mukherjee (President of  
Union)

AND

Shri Sanyashi Ghosh (General  
Secretary of Union)

4. Short Recital of the Case:- The workmen of the Factory Om Forging & Engineering (P) Ltd. indulged in indiscipline activities on 16<sup>th</sup> January 2019 and were found spoiling furnace oil without any production and also had abused and insulted the Manager of the Factory Shri Gurudas Das, who was subject to severe torched. Thereafter the managerial staff expressed their inability to attend the Factory apprehending assault and harassment at the hands of the workmen, consequently the Management declared Suspension of work vide its notice dated 16<sup>th</sup> January 2019, w.e. from 17.01. 19. There after the Union raised an Industrial Dispute before the Dy, Labour Commissioner, Govt. of W.B., Serampore, where several

*Ashim Mukherjee* 3/1/19

*Gurudas Das*



conciliation meetings were held but the dispute could not be settled, ultimately the Conciliation failed and the matter was referred to Ld. Third Industrial Tribunal, W.B. for adjudication under G.O. No.1594/(LC-IR)22015(15)/4/2020 Dated, 10<sup>th</sup> November 2020. In the meantime 23 of 25 workmen resigned and one Shankar Santra Died before the reference was made. Only Shri Sanyasi Ghosh was left in the employment. Further the said Shri Sanyasi Ghosh also approached the management and expressed his desire to resign and settle the dispute. The 23 workmen and legal heir of Late Shankar Santra had already been paid their legal dues.

Now the union and employer negotiated the matter for out of Court Settlement and after protracted negotiations the parties of the reference, arrived at the following mutual settlement.

5. Terms of Settlement:- It is agreed by and between the parties;

(a) That the concerned employee Shri Sanyasi Ghosh has resigned from his service as he has got better employment somewhere else and not interested in continuing the employment of Om Forging & Engineering Pvt. Ltd. The said resignation has been accepted by the employer Company. A Photo copy of the resignation dated 20<sup>th</sup> October 2021 of Shri Sanyasi Ghosh and company's Letter of Acceptance dated 21<sup>st</sup> October 2021 is annexed herewith and marked as annexure A collectively.

(b) That the concerned employee Shri Sanyasi Ghosh has been paid his all legal dues amounting to Rs.2,00,000/= (Rupees Two Lakhs only). A Photo copy of the Account Payee Cheque No. 001278 dated 22<sup>nd</sup> October 2021 drawn on HDFC Bank, 2 Jogendra Kaviraj Row, Kolkata-700007

Branch Amounting to Rs.2,00,000/= (Rupees Two Lakhs

Asim Mukherjee 30/10/21 [Signature] Gurus Das Das



only) and a photocopy of the receipt /voucher are annexed herewith and Marked as Annexure B collectively.

- (c) That the union agreed not to press the aforesaid reference No. No.1594/(LC-IR)22015(15)/4/2020 Dated, 10<sup>th</sup> November 2020 and agreed not to claim any further relief from the employer in the matter of suspension of work declared by it w.e. fro. 17/01/19.
- (d) That parties agreed to file a joint petition for passing an Award in terms of this settlement
- (e) This settles all the disputes related suspension of work declared by the Management w.e. from 17/01/19

For the Company

Gunder Das

For the Employee

3/11/20  
Asim Mukherjee

Witness:-

1. Dipankar Mitra,  
son of late Kalyankumar Mitra,  
Pooler Park, Borasat, Kolkata-700124.
2. Krishna Kant Singh.  
S/o Kapil Chandra Singh.  
130 No "C" Road Badgharia  
Howrah.



তারিখ: ২০/১০/২০২৭

স্বাক্ষরিত করা হয়,  
 'উন্নয়নমূলক কর্মসূচি' এর আওতাধীন  
 প্রশাসনিক, প্রশিক্ষণ, প্রশাসনিক।

স্বাক্ষর

আমরা স্বাক্ষরিত করেছি, 'উন্নয়নমূলক কর্মসূচি' এর  
 আওতাধীন, 'উন্নয়নমূলক কর্মসূচি' এর  
 আওতাধীন, 'উন্নয়নমূলক কর্মসূচি' এর  
 আওতাধীন, 'উন্নয়নমূলক কর্মসূচি' এর  
 আওতাধীন, 'উন্নয়নমূলক কর্মসূচি' এর

স্বাক্ষর

স্বাক্ষরিত করা হয়।

স্বাক্ষরিত করা হয়।





## OM FORGINE & ENGINEERING PRIVATE LIMITED

Manufacturers & Suppliers of Tools & Alloy Steel Specialist in Forging

Regd. Off. : 28, Strand Road. (2nd Floor), Room No. 204,

Kolkata - 700 001

Phone : 2230-5177 / 5232

E-mail : omforgingkolkata@gmail.com

Web site : www.omforging.com

Factory : Village - Bangihati N. H. No.-2. Delhi Road  
P. O. Simla, P. S. Serampore Dist. Hooghly (W. B.)

PIN - 712203 Phone : (033) 2622-3646

GSTIN : 19AAACO3336L1Z9

To, Sanyashi Ghosh

PO: Simla, Serampore

Dist: Hooghly

712203

Dt: 21.10.2021

This is to inform you that your resignation dt. 20.10.2021 has been accepted. You are therefore requested to come at our registered office situated at 28 Strand Road, 2<sup>nd</sup> Floor, Room no: 206, Kolkata-700001 on dt. 22.10.2021 at 1PM for collecting cheque in respect of your dues relating to your resignation dt. 20.10.2021.

Thanking You

For Om Forging and Engg Pvttd Ltd

Manager

30/10/21 G2008



Annexure (B)



*Preferred*

Weekly Holiday on SUNDAY

22 10 2021

D D M M Y Y Y Y  
Valid for 3 months only

Or Bearer

SHREE ARCADE, 1ST FLOOR,  
2 JOGENDRA KAVIRAJ ROW, KOLKATA-700007, WEST BENGAL  
RTGS / NEFT IFSC : HDFC0000219

Pay *SANNYASI GHOSH*

Rupees रुपये *Two Lakhs only*

या धारक को

अदा करें

₹ 2,00,000/-

A/c. No.  
खाता नं.

02192320014553

Brn: 0219 Pdt: 232  
PLUS CA

Payable at par through clearing/transfer at all branches of HDFC BANK LTD

For OM FORGING AND ENGINEERING PVT LTD

*A/c Payee only*

*CA Paul*

Authorised Signatories

Please sign above / कृपया यहाँ हस्ताक्षर करें

⑈001278⑈ 700240013⑈ 012446⑈ 29



Voucher No.....

**CASH VOUCHER**

**OM FORGING & ENGINEERING PVT. LTD.**

28, STRAND ROAD, KOLKATA - 700 001

Pay to

Sanyashi Ghosh

A/c.

Full & Final Payment of his dues.

**PARTICULARS**

**Rs.**

**P.**

Being the amount paid to the above by A/c Payee cheque  
no 001278. dt. 22.10.2021 drawn on HDFC Kolkata Branch  
towards full & final payment of his dues in respect of  
his resignation dt 20.10.2021

2,00,000-00

Rupees

TWO LAKHS ONLY.

Total Rs.

2,00,000-00

Date

22.10.2021

Manager

Director

3/10/2021

[Signature]



3/10/2010