

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

No. Labr./2120/(LC-IR)/22015(16)/431/ 2019.
2021

Date 29-11-
.....

ORDER

WHEREAS an industrial dispute existed between M/s Hariyana Vidya Mandir, BA-193, Sector - 1, Salt Lake, Kolkata - 700064, and their workman Sri Vibekananda Chowdhury, Hariharpur, CPTA Block, P.O. - Hridaypur, P.S. - Barasat, District - North 24 Parganas, Kolkata - 7000127 regarding the issues being a matter specified in the Second schedule of the Industrial Dispute act, 1947 (14of 1947);

AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute act, 1947 (14of 1947) to the First Industrial Tribunal Specified for this purpose under this Department Notification No. 101-IR dated 2.2.12;

AND WHEREAS the First Industrial Tribunal heard the Parties and framed the following issues as the "Issue" of the said dispute;


AND WHEREAS the First Industrial Tribunal has submitted to the State Government its Award dated 07/10/2021 the said Dispute vide memo no. 1367 dated 17/11/2021.

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,



Joint Secretary
to the Government of West Bengal

(2)

No.Labr.....²¹²⁰/1(2) - IR

²⁹⁻¹¹⁻
Dated2021.

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 1367 - L.T. dated 17/11/2021 .
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

No.Labr.....²¹²⁰/2(5) - IR

^{sd/}
Joint Secretary
²⁹⁻¹¹⁻
Dated2021

Copy with a copy of the Award is forwarded for information & necessary action to:

1. M/s Hariyana Vidya Mandir, BA-193, Sector - 1, Salt Lake, Kolkata - 700064.
2. Sri Vibekananda Chowdhury, Hariharpur, CPTA Block, P.O. - Hridayapur, P.S. - Barasat, District - North 24 Parganas, Kolkata - 7000127.
3. The Assistant Labour Commissioner, W.B., In-Charge of 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.


Joint Secretary

In the matter of an Industrial Dispute u/s 2A(2) of the Industrial Disputes Act as amended, filed on 06.09.2017 by the Workman Shri Vibekananda Chowdhury, Hariharpur, CPTA Block, P.O. – Hridaypur, P.S. – Barasat, District – North 24 Parganas, Kolkata – 700 0127 against his employer M/s Hariyana Vidya Mandir, BA-193, Sector – 1, Salt Lake, Kolkata – 700 064.

[Case No. 01/2017 u/s 2A(2)]

Before the First Industrial Tribunal, West Bengal

PRESENT

Shri Uttam Kumar Nandy, Judge
First Industrial Tribunal,
Kolkata

AWARD

Dated : 07.10.2021

In the matter of an Industrial Dispute u/s 2A(2) of the Industrial Disputes Act as amended, filed on 06.09.2017 by the Workman Shri Vibekananda Chowdhury, Hariharpur, CPTA Block, P.O. – Hridaypur, P.S. – Barasat, District – North 24 Parganas, Kolkata – 700 0127 against his employer M/s Hariyana Vidya Mandir, BA-193, Sector – 1, Salt Lake, Kolkata – 700 064 in connection with dismissal of service by his employer seeking dismissal order, dated 22.11.2016 was illegal and invalid and also for reinstatement in service with full back wages with other consequential benefits.

On the other hand, the Opposite Party, Hariyana Vidya Mandir had appeared through their Ld. Counsel and filed Written Statement on 08.02.2018, denying all material allegations by stating inter-alia that the application filed by the Workman is not maintainable and the same is mischievous, being suppressed, misrepresented and concealed, suffer vital effect and details for which the application is liable to be dismissed.

It is revealed from the record that the parties have in course in proceeding already exchange documents as per the list submitted on their behalf and the Tribunal has fixed the case on the point of Validity of Domestic Enquiry held by the school appeared dismissal of the applicant from his service.

Thereafter, it is detected by the school that several relevant and vital documents have not been disclosed, produced at the time of exchange of documents owing partly to genuine mistake and omission particularly to their traceability at the relevant time though each of such documents are immensely valuable and relevant for the purpose of proper adjudication of the case.



So the other side prays for a chance to file written objection against the said Special Leave Petition, that Special Leave Petition in due course of time was allowed and Opposite Party was directed to place the documents as enlisted in the Special Leave Petition. Thereafter hearing on the point of Validity of Domestic Enquiry was started.

Thereafter on 07.10.2021, the date was fixed for filing show-cause, to be filed by the Hariyana Vidya Mandir as to why further examination-in-chief of witness of Hariyana Vidya Mandir shall not be closed, when the parties to the case filed a xerox of a mutual settlement being written on non-judicial stamp paper of Rs. 50/- stating inter-alia that the case being pending in between the Workman, Vibekananda Chowdhury and the Opposite Party, Hariyana Vidya Mandir has been settled amicably and the School has given all the pending salaries from 24.06.2016 to 31.03.2020 in full and therefore, the Workman is not willing to proceed with the case. So the case was taken for examination of Shri Vibekananda Chowdhury, Workman in view of that petition filed by Shri Vibekananda Chowdhury and the signatories of the opposite party.

On perusal of the evidence laid by the Workman and the contents of the mutual settlement paper and from the submission of the Ld. Counsels for the parties to the case, I am of opinion that the settlement has been reached in between the contending parties amicably and so there lays no more conflict in between parties. The settlement has been voluntarily effect that the settlement is genuine one and as per the contents of the settlement it is revealed that all pending/ due salaries from 24.06.2016 to 31.03.2020 (from date of suspension to date of retirement) of Shri Vibekananda Chowdhury, the Workman being attached with xerox stamp paper (non-judicial stamp paper of Rs. 50/-) and therefore, the said Workman states, declares and confirms that the Opposite Party, Hariyana Vidya Mandir stands discharged from all liabilities and obligations owed to Shri Vibekananda Chowdhury in relation to and arising out of the aforesaid dispute whether in present and future and he shall not make any claim further against the Company in any manner whatsoever and consequently the Workman deposed that he did not want to proceed the case further and he may be permitted to withdraw the case at his own risk.

As the settlement is voluntary one and there remains no more disputes in between the parties, this Tribunal is of firm opinion that the memorandum of settlement may be allowed and accordingly the same is accepted and also the prayer of the Workman may be allowed.



Hence it is,

ORDERED

That in pursuance of the observations made above, the instant case being No. 01/2017 u/s 2A(2) of the Industrial Disputes Act is disposed of on the basis of mutual settlement between the parties.

An Award is being passed on the basis of contents of the mutual settlement, dated 06.10.2021 and 07.10.2021 and the same be made part of this Award.

Thus, the instant case is disposed of.

This is my Award.

The Award be sent to the Government.

Sd/-

(Uttam Kumar Nandy)
Judge
First Industrial Tribunal
Kolkata

Dictated & corrected by me.

Sd/-

(Uttam Kumar Nandy)
Judge

