

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

2144
No. Labr/...../(LC-IR)/22015 (16) /168/2019

02-12-
Date : /2021

ORDER

WHEREAS an industrial dispute existed between M/S. Novartis India Limited, 4/1/1, Meher Ali Road, 3rd Floor. Park Circus, Kolkata – 700017 and Smt. Ruchira Roy, 28/G, Raypur Mondal Para Road, P.O. Naktala, Calcutta - 700047 regarding the issue, being a matter specified in the Second schedule to the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application under section 10(1B)(d) of the Industrial Dispute Act, 1947 (14 of 1947) to the Seventh Industrial Tribunal specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, the Seventh Industrial Tribunal heard the parties under section 10(1B)(d) of the I.D. Act, 1947 (14 of 1947) and framed the following issue dismissal of the workman as the "issue" of the dispute.

AND WHEREAS the Seventh Industrial Tribunal has submitted to the State Government its Award dated 05/10/2021 under section 10(1B)(d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide memo no.1223 L.T. dated 08/10/2021.

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

: 2 :

2144(1/5)
No. Labr/...../(LC-IR)

02-12-
Date :/2021

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

1. M/S. Novartis India Limited, 4/1/1, Meher Ali Road, 3rd Floor. Park Circus, Kolkata – 700017.
2. Smt. Ruchira Roy, 28/G, Raypur Mondal Para Road, P.O. Naktala, Calcutta – 700047.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B., New Secretariat Buildings, (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

2144(2/2)
No. Labr/...../(LC-IR)

02-12-
Date/2021

Copy forwarded for information to :-

1. The Judge, Seventh Industrial Tribunal West Bengal, with respect to his Memo No. 1223 dated 08/10/2021.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata – 700001.

Joint Secretary

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

Present:

Shri Ashis Kumar Das, Judge,
Seventh Industrial Tribunal, Kolkata

Case No.09 of 2014 (U/s 10(1B)(d) of I.D. Act, 1947)

Smt. Ruchira Roy
28/G, Raypur Mondal Para Road
P.O.- Naktala, Calcutta – 700 047.

... Applicant

Versus

M/s. Novartis India Limited
Head Office at Sandoz House, 7th Floor,
Shivsagar Estate, Dr. Annie Besant Road,
Worli, Mumbai – 400 018 and
State Office at 4/1/1, Meher Ali Road, 3rd Floor,
Park Circus, Calcutta – 700 017

...Opposite Party

A W A R D

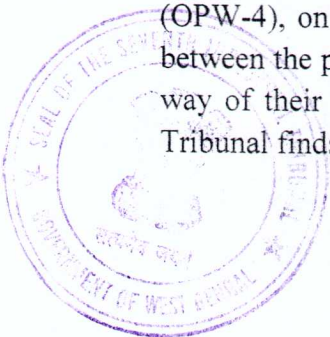
Dated :05-10-2021

Today is fixed for passing order in respect of the joint petition for compromise dated 22.09.2021 filed by both the parties. The case record is taken up for passing order.

Perused the joint compromise petition, Memorandum of Settlement, both dated 22.09.2021, petition under Section 10(1B)(d) of the Industrial Disputes Act, 1947 as well as evidence of the applicant Ruchira Roy (PW-1) and Sri Durga Nand Singh (OPW-4), Principal Litigation Counsel of the company, so adduced in support of said compromise petition. I have also perused the photocopy of Demand Draft, dated 13.09.2021. It appears from the evidence of PW-1 and OPW-1 that the matter in dispute has already been settled in between the parties in terms of Memorandum of Settlement dated 22.09.2021, as mentioned in the compromise petition dated 22.09.2021. I further find from the said Memorandum of Settlement as well as from the evidence of both parties that the company handed over one Demand Draft of settled amount of Rs.7,50,308/-, being Demand Draft No. 864241 dated 13.09.2021, drawn on City Bank, Mumbai, photocopy of which has also been filed with the compromise petition. Also perused the acknowledgement receipt dt. 22.09.2021 in respect of demand draft, duly signed by the applicant with date. Applicant (PW-1) has further stated in her cross-examination that at present she has no grievance against the OP/Company. Considered.

The joint compromise petition and Memorandum of Settlement both dated 22.09.2021 have duly been signed by the applicant Smt. Ruchira Roy (PW-1) and Shri Durga Nand Singh (OPW-4), on behalf of the OP/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/2



(2)

Hence, it is,

Ordered

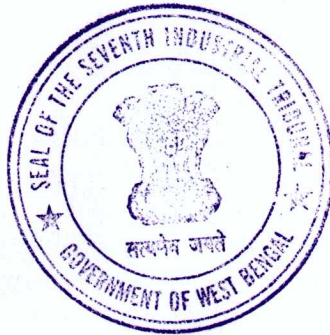
that the joint compromise petition dated 22.09.2021 is allowed and accordingly, the instant proceedings being Case No. 09 of 2014 under Section 10(1B)(d) of the Industrial Disputes Act, 1947 be and the same is disposed of in terms of the Memorandum of Settlement dated 22.09.2021. The joint petition of compromise and Memorandum of Settlement, both dated 22.09.2021, 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


Judge
Seventh Industrial Tribunal



Sd/-
(Ashis Kumar Das)
Judge
Seventh Industrial Tribunal
05.10.2021
Judge
Seventh Industrial Tribunal

Filed at.
22.09.21
Filed by
S. S. S.
Advocate
op.

**BEFORE THE LEARNED SEVENTH
INDUSTRIAL TRIBUNAL, WEST BENGAL**

CASE NO. 09/10(1B) (d) of 2014

Between

Smt. Ruchira Roy

28/G, Roypur Mondol Para Road
P.O. Naktala,
Calcutta- 700 047

.... Applicant

Versus

Novartis India Limited

INSPIRE BKC, G Block, 6 & 7 Floor,
BKC Main Road, Bandra Kurla Complex
Bandra (East).
Mumbai 400 051

..... Opposite Party

Filed by
Sundip Roy
Advocate
22/9/2021

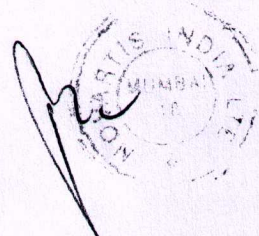
Humble Joint Petition on behalf of the Parties

Most respectfully SHEWEETH:-

1. That the instant matter is pending before the Ld. Tribunal for Adjudication
2. That the matter has been settled amicably out of Court between Smt. Ruchira Roy and Novartis India Limited. A copy of the Memorandum of Settlement arrived at between both the Parties is annexed herewith for the perusal and record of this Ld. Tribunal.
3. That the amount agreed between the parties in terms of the aforesaid Memorandum of settlement has already been paid to the Applicant (Smt. Ruchira Roy), receipt of which is annexed with this petition/Memorandum of Settlement.

Under the circumstances, it is humbly prayed that Ld.
Tribunal graciously be pleased to pass the necessary
Award in terms of the Memorandum of Settlement.

Ruchira Roy

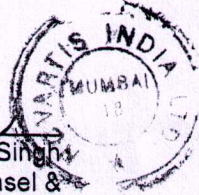


And for this act of Kindness your petitioner as in duty bound shall ever pray.

Ruchira Roy

Ruchira Roy
Applicant

[Signature]
Durga Nand Singh
Principal Litigation Counsel &
Constituted Attorney
Novartis India Limited



Verification

We, Ruchira Roy, the Applicant in this case and Durga Nand Singh, the Principal Litigation Counsel and Constituted Attorney, of the Opposite Party, Novartis India Limited, do hereby state and declare that the statements made hereinabove are true to our knowledge and belief save and except those that are our respectful submissions before this Ld. Tribunal.

We sign this verification today the 22nd day of September 2021 at Court premises.

Ruchira Roy

Ruchira Roy
Applicant

[Signature]
Durga Nand Singh
Principal Litigation Counsel &
Constituted Attorney,
Novartis India Limited



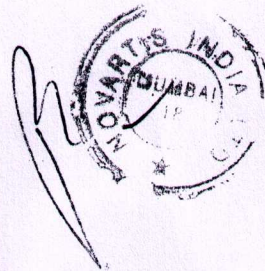
MEMORANDUM OF SETTLEMENT

1. Name of the Parties:-
NOVARTIS INDIA LIMITED
NSPIRE BKC, G Block, 6 & 7 Floor,
BKC Main Road, Bandra Kurla Complex
Bandra (EAST), Mumbai 400 051

AND

RUCHIRA ROY
28/G, Roypur Mondol Para Road
P.O. Naktala,
Calcutta- 700 047
2. Representing Employer:- Sh. Durga Nand Singh- Principal Litigation
Counsel & Constituted Attorney, Novartis India
Limited
3. Representing Employee:- Smt. Ruchira Roy, Concerned Employee
4. Short Recital of the Case:-
 - a) The concerned employee Smt. Ruchira Roy had been working as Medical Representative with the Company Novartis India Limited. The Company alleges that he had been underperforming, consequently it offered a separation package plus other legal dues, but the concerned employee declined to accept the said separation package as agreed by NEU to which Smt. Ruchira Roy was a member. The employer thereafter dismissed the concerned employee vide its letter of dated 21 December 2013.
 - b) The concerned employee raised an Industrial Dispute with the Conciliation Officer appointed under the Industrial Disputes Act, at Kolkata, who initiated a Conciliation proceeding under section 12 of the aforesaid Act. Since the conciliation was pending for more than 60 days and dispute could not be settled the concerned employee obtained a certificate of pendency of Conciliation and filed a case U/s 10(1B) of The Industrial Disputes Act 1947 (W.B. Amendment). The

Ruchira Roy



said case has been registered as **CASE NO. 09/10(1B) (d) of 2014** before the Ld. Seventh Industrial Tribunal, Kolkata.

- c) During pendency of the aforesaid Case the concerned employee sent an email on 18th August 2021 to employer Company expressing its desire to accept the offer (Separation Package) of it which was given by the Company prior to his dismissal and also to not press any further claim and not to proceed further in case pending before Ld. Seventh Industrial Tribunal being **CASE NO. 09/10(1B) (d) of 2014** (Smt. Ruchira Roy Vs. Novartis India Limited). A copy of the email dated 18th August 2021 along with response of the same date are annexed hereto and marked as **ANNEXURE -A.** The Company agrees to the said proposal of Smt. Ruchira Roy. Further upon such assurance the Company shall pay the amount of separation package along with other dues amounting to **Rs.7,50,308/- (Rupees Seven Lakhs Fifty Thousand and Three Hundred Eight Only)** vide demand draft No. 864241 dated 13th September 2021 drawn on City Bank, Mumbai towards full and final settlement of all dues. A copy of the said demand draft dated 13th September 2021 and final settlement of account receipt duly signed by Smt. Smt. Ruchira Roy dated 22nd September 2021 are annexed hereto and marked **ANNEXURE -B** and **ANNEXURE - C,** respectively.

- d) The parties further agreed to the following mutual settlement.

5. **Terms of Settlement:-** It is agreed by and between the parties as follows:-

- (i) That the employer Company shall pay a sum of **Rs.7,50,308/- (Rupees Seven Lakhs Fifty Thousand and Three Hundred Eight Only)** drawn on City Bank, Mumbai towards full and final settlement of account of Smt. Ruchira Roy being the full and final amount of

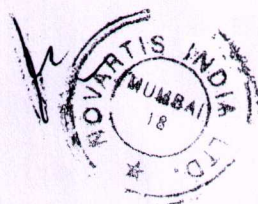
Ruchira Roy .



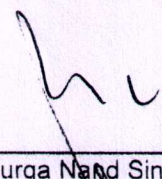
outstanding legal dues details of which are provided in the final settlement account receipt dated 22nd September 2021.

- (ii) That on receipt of the aforesaid amount the concerned employee Smt. Ruchira Roy will have no further claim on Novartis India Limited either ~~except gratuity, provident fund and superannuation benefits~~ monetary or for reinstatement/reemployment.
- (iii) That a joint petition will be filed before Ld. Seventh Industrial Tribunal for passing of an Award in **CASE NO. 09/10(1B) (d) of 2014** (Smt. Ruchira Roy Vs. Novartis India Limited), in terms of this Settlement arrived at between both the parties.
- (iv) In view of the above-mentioned circumstances, the dispute raised by Smt. Ruchira Roy is hereby settled, hence it prays for dismissal.

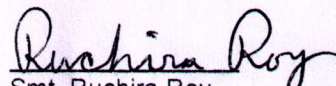
Ruchira Roy



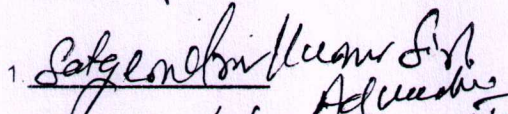
For and behalf the Company
Novartis India Limited


Durga Nand Singh

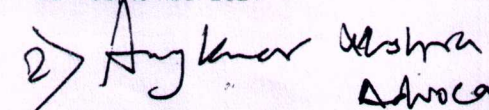
For the Employee


Smt. Ruchira Roy

Witness:-

1. 
Advocate
Vikram Mohan, Ph.D.
Block-I, Flat (40-1B)
493/1/A L.T. Road (CS)
Kolkata
Hence etc.

22nd September 2021

2. 
Advocate
47/4/8 R.N.R.L. Ghat Road
Shubpur, Howrah - 71

2. _____

Singh, Durganand

ANNX- A

4

From: Singh, Durganand
Sent: Wednesday, August 18, 2021 12:22 PM
To: roy_ruchira@yahoo.in
Subject: RE: Full and final settlement of my account (Emp No. 18808)

Dear Ruchira

Thank you for your email.

We have noted your desired to settle the Court case.

We will ask my P&O (HR) team to process your full and final settlement.

Shall keep you posted with the development in the matter.

Regards

DURGA NAND SINGH

PRINCIPAL COUNSEL - LITIGATION

NOVARTIS INDIA, INSPIRE BKC

G BLOCK, 7th FLOOR,

BKC MAIN ROAD, BANDRA KURLA COMPLEX

BANDRA (EAST), MUMBAI 400 051 | INDIA

PHONE +91 22 5024 3733 | Fax +91 22 5024 3010

Cell +91 98 33 07 13 21

Email: durganand.singh@novartis.com | www.novartis.com

From: roy_ruchira@yahoo.in <roy_ruchira@yahoo.in>
Sent: Wednesday, August 18, 2021 11:37 AM
To: Singh, Durganand <durganand.singh@novartis.com>
Subject: Full and final settlement of my account (Emp No. 18808)

This Message is from an External Sender. Do not click links or open attachments unless you trust the sender.

Dear Sir,

It is to inform you that I, Ruchira Roy(Emp. No. 18808) want to settle my account with the company, Novartis India Ltd. Please do the needful at the earliest.

I also want to settle my other accounts (i.e. PF a/c, gratuity, EPS etc).

Thanks and regards
Ruchira Roy

Citibank Paylink® Instrument

(Incorporated with Limited Liability in the U.S.A.)

At Payee Only
Not Negotiable

Ref No : 530377280100001

Pay to RUCHIRA ROY

कुल राशि रुपये

The Sum of Rupees

Rupees Seven Lakh Fifty Thousand and Three Hundred Eight Only

Remitter name : NOVARTIS INDIA LIMITED

दिनांक
Date

1 3 0 9 2 0 2 1

D D M M Y Y Y Y
Valid for Three months from date of issue

ANNEX-B

5

जारी करने की तारीख से 3 महीने के लिए वैध

For CITIBANK N.A.

Mukesh Chandok
Emo No. 9105

Vaishir Singh
Emo No. 92418

Authorized POA Holder

कृपया ऊपर हस्ताक्षर करें / Please sign above

864241 0000370001 923290 16

NOVARTIS INDIA LIMITED

Inspire - BKC

Part of 601 and 701

Bandra Kurla Complex

Bandra East, Mumbai

Mumbai City MH 400051 IN

FINANCE DIVISION

RUCHIRA ROY

SHRI SAMAR KANTI ROY 28 G RAYPUR MO

28 G RAYPUR MONDAL PARA ROAD P

KOLKATA, 741101

NOVARTIS INDIA LIMITED

PHARMACEUTICAL SECTOR

Please mention your Account Code on all correspondence, Invoice, debit credit notes, challans, etc.

Vendor Code: 3100005481

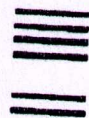
Document No: 3100005481

Dear Sir/Madam,

We attach below our cheque no. 864241

drawn on CITIBANK N.A. Mumbai in settlement of our undermentioned invoices.

Inv No.	Inv Date	CCY	Description	Discount Amt	Tax Amt	Net Amt
FFS SEP 21	10/09/2021	INR				
750308.00		0.00				750308.00



NOVARTIS INDIA LIMITED, Pharmaceuticals Division
FINAL SETTLEMENT OF ACCOUNT

Empl No : **40004834**
 Empl Name : **RUCHIRA ROY**
 LAST WORKING DAY: **23-Dec-2013**

<u>Earnings</u>	<u>Amount</u>
SEPARATION AMOUNT	
LEAVE ENCASHMENT	618,992.00
ONE MONTH'S SALARY	110,388.00
BONUS - 2013-14	30,950.00
Ex-GRATIA - 2013-14	5,119.00
MEDICAL ALLOWANCE - 2013	896.00
	12,815.00
Total Earnings	779,160.00
<u>Deductions</u>	
BASIC	
DA	79.00
HRA	7,753.00
EDUCATION ALLOWANCE	129.00
IMPREST CASH	26.00
EMPLOYER PF	4,000.00
NC_PENSION_FUND	1,009.00
SALARY ADVANCE	(144.00)
	16,000.00
Total Deductions	28,852.00
Net Earnings	750,308.00

Received with thanks from Novartis India Ltd., Mumbai, vide Citibank cheques no. 864241 dated 13-Sep-2021 for INR 750,308/- towards Separation Amount and Full & Final Settlement Amount.

Signature Ruchira Roy
 RUCHIRA ROY

Date : 22.09.2021