

I/163528/2021

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

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

No. Labr/2211/(LC-IR)/ 22015(16)/38/2021

Date : 08-12-2021

ORDER

WHEREAS an industrial dispute existed between M/s Hooghly Infrastructure Pvt. Ltd., Unit : Hukum Chand Jute Mills, P.O. - Hazinagar, Dist. - North 24 Parganas, Pin - 743135 and its workman Sri Md. Sadaruddin, 545, RBC Road, P.O. - Hazinagar, Dist. - North 24 Parganas, Pin - 743135 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 First Industrial Tribunal, Kolkata specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997;

AND WHEREAS the said First Industrial Tribunal, Kolkata has submitted to the State Government its Award dated 04.10.2021 under section 10(1B)(d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide Memo No. 1279 - 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/2211/1(5)/(LC-IR)

Date : 08-12-2021

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

1. M/s Hooghly Infrastructure Pvt. Ltd., Unit : Hukum Chand Jute Mills, P.O. - Hazinagar, Dist. - North 24 Parganas, Pin - 743135.
2. Sri Md. Sadaruddin, 545, RBC Road, P.O. - Hazinagar, Dist. - North 24 Parganas, Pin - 743135.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The OSD & EO 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

No. Labr/2211/2(2)/(LC-IR)

Date : 08-12-2021

Copy forwarded for information to :-

1. The Judge, First Industrial Tribunal, Kolkata, with respect to his Memo No. 1279 - L.T. dated 29.10.2021.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Joint Secretary

In the matter of an industrial dispute between Md. Sadaruddin, 545, RBC Road, P.O. – Hazinagar, District – North 24 Parganas, Pin – 743 135 against his employer Hooghly Infrastructure Pvt. Ltd., Unit: Hukum Chand Jute Mills, P.O. – Hazinagar, District – North 24 Parganas, Pin – 743 135.

Case No. 10/2018 u/s 10(1b)(d) of the Industrial Dispute Act 1947

BEFORE THE FIRST INDUSTRIAL TRIBUNAL: WEST BENGAL

PRESENT

**SHRI UTTAM KUMAR NANDY, JUDGE
FIRST INDUSTRIAL TRIBUNAL, KOLKATA**

Date of Order: 04.10.2021

Case No.: 10/2018 u/s 10(1b)(d)

This is an application u/s 10(1b)(d) of the Industrial Disputes Act, 1947 as amended, has been filed by the Workman Md. Sadaruddin residing at 545, RBC Road, P.O. – Hazinagar, District – North 24 Parganas, Pin – 743 135 against his employer Hooghly Infrastructure Pvt. Ltd., Unit: Hukum Chand Jute Mills, P.O. – Hazinagar, District – North 24 Parganas, Pin – 743 135 in connection with his termination of service by his employer with a prayer before this tribunal to pass an award holding that the aforesaid termination of service w.e.f. 01.11.2012 by the employer (opposite party herein after) is arbitrary, unjustified and illegal and also to pass an order granting reinstatement in service with full back wages along with all consequential benefits.

Thereafter, the opposite party Company filed its Written Statement on 11.02.2020. Thereafter the workman has filed all documents along with list of documents for exchange of the said documents with the Company and the Company also filed their documents along with list of documents for exchange of documents on 22.03.2021.

At this stage Ld. Counsel for the Workman / applicant has filed a petition stating to that fact that the Workman Md. Sadaruddin died during the pendency of this case and as such Ld. Counsel for the Workman has desired to withdraw him on behalf of the Workman. Prayer for the Ld. Counsel for the Workman for withdrawing him in the instant case is allowed.

Thereafter, date was fixed for exchange of documents through courts and for filing detailed report in respect of death of Md. Sadaruddin followed by the substitution petition, if any, by the heirs and successors of the deceased Md. Sadaruddin.

Thereafter on 29.09.2021 a nephew namely Khajimuddin and niece namely Asma Bibi of deceased Md. Sadaruddin appeared and filed the photocopy of Death Certificate, Voter Identity Card, Aadhaar Card along with the originals for verification and on verification said original documents were returned and the photocopies were kept with the record.



That apart the nephew and niece as mentioned above have also filed photocopies of their identification along with the originals and after verification the originals were returned and the photocopies were kept with the record.

At this stage the representative of the heirs and the successors of deceased Md. Sadaruddin have filed a substitution petition duly verified along with a verified petition expressing that they have desired to withdraw the case from this Tribunal.

After perusing the record, it is revealed that papers are not sufficient being filed for granting or passing any order in favour of them and since the representative of the Company is not present, the matter was adjourned for order on 04.10.2021 coupled with a permission / chance to the representative of the Workman for filing all necessary documents and papers to consider their prayers.

Then on 04.10.2021 the heirs of Late Md. Sadaruddin @ Sadruddin have filed a heirship certificate duly issued on 18.03.2021 by the Chairperson, Board of Administrators, Naihati Municipality in original and duplicate and 02 (two) Nos. affidavits affirmed by Ld. Judicial Magistrate, 1st Class, Barrackpore Court, dated 26.02.2021 and 23.08.2021 in original and duplicate, where from it is established the present petitioners including their representative are the only legal heirs of deceased Md. Sadaruddin @ Sadruddin and since there is no objection of Ld. Counsel for the Company in regard to allowing the substitution petition the heirs of the deceased Md. Sadaruddin @ Sadruddin are substituted and after being substituted present petitioner namely Asma Bibi on behalf of the other heirs and successors of deceased Md. Sadaruddin @ Sadruddin intends to withdraw the case.



On perusal of the petition, I find no impediment to allow the prayer of the petitioner specially when there is no objection from the other side of the Company.

Hence it is

ORDERED

That the petition filed by Asma Bibi, the representative of heirs being substituted is allowed on consent and the applicant namely Asma Bibi is permitted to withdraw the instant case at her/their own peril and accordingly the instant case is disposed of.

This is my Award.

The Award be sent to the Government.

Sd/-

Dictated & corrected by me.

Sd/-

(Uttam Kumar Nandy)
Judge

(Uttam Kumar Nandy)
Judge

First Industrial Tribunal
Kolkata

JUDGE
FIRST INDUSTRIAL TRIBUNAL
WEST BENGAL