

File No.LABR-22015(16)/306/2018-IR-SEC-Dept. of LABOUR
1/32158/2018

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

No. Labr./944/(LC-IR)
IR/11L-28/18

Dated, Kolkata, 07.12.18.

ORDER

WHEREAS an industrial dispute existed between M/S West Bengal Agro Textile Corporation Ltd., a joint venture enterprise with Government of West Bengal, unit-Bharat Jute Mills, Makardah Road, Dasnagar, Dist. – Howrah and their workman Sri Nisith Kr. Khatua, S/o Late Gosto Bihari Khatua, Chanpatala, Bandariapara, P.O. & P.S. – Sankrail, Dist. Howrah regarding the issues being a matter specified in Second schedule of the Industrial Dispute Act, 1947(14 of 1947);

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

AND WHEREAS the said Judge, Second Industrial Tribunal has submitted to the State Government its Award on the said Dispute.

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



Deputy Secretary to the
Government of West Bengal.

No.Labr./944/1(2)/(LC-IR)

Dated, Kolkata, 07.12.18

Copy forwarded for information to :-

1. The Judge, Second Industrial Tribunal with reference to his Memo No.2165-LT dtd.02.11.2018.
2. Principal Secretary, Labour Department.
3. The Joint Labour Commissioner(Statistics), W.B., 6, Church Lane, Kol-1.



Deputy Secretary

(contd....2)


No.Labr/944/2(5)/(LC-IR)

Dated.07.12.2018.

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

1. M/s. West Bengal Agro Textile Corporation Ltd., a joint venture enterprise with Government of West Bngal, unit-Bharat Jute Mills, Makardah Road, Dasnagar, Dist. Howrah.
2. Sri Nisith Kr. Khatua, S/o Late Gosto Bihari Khatua, Chanpatala, Bandariapara, P.O. & P.S. – Sankrail, Dist. Howrah, Pin-711313.
3. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
4. The Labour Commissioner, W.B., N.S. Building(11th Floor), 1, K.S.Roy Road, Kolkata-700 001.
- ✓ 5. The O.S.D., IT Cell, Labour Department, with the request to cast the Award in the Department's website.


Deputy Secretary


10/12/18

In the matter of an industrial dispute between Sri Nisith Kr. Khatua, son of Late Gosto Bihari Kahtua of Chanpatala, Bandariapara under P.S. – Sankrail within district – Howrah against M/s. West Bengal Agro Textile Corporation Ltd., a joint venture enterprise with Government of West Bengal, unit – Bharat Jute Mills, Makardah road, Dasnagar within district – Howrah.

(Case No. 2/2018 U/s. 2A(2))

BEFORE THE SECOND INDUSTRIAL TRIBUNAL: WEST BENGAL

PRESENT:

SHRI SRIBASH CHANDRA DAS, JUDGE,

SECOND INDUSTRIAL TRIBUNAL, KOLKATA

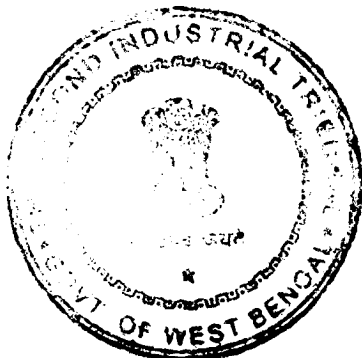
Date of passing award – 12.10.2018

A W A R D

The case record is put up for passing judgement and award. It is a case under Section 2A(2) of the Industrial Disputes Act, 1947 filed by applicant / workman Sri Nisith Kr. Khatua, son of Late Gosto Bihari Kahtua of Chanpatala, Bandariapara under P.S. – Sankrail within district – Howrah against M/s. West Bengal Agro Textile Corporation Ltd., a joint venture enterprise with Government of West Bengal, unit – Bharat Jute Mills, Makardah road, Dasnagar within district - Howrah with a prayer to hold by this Tribunal that the termination of the services of the applicant / workman Sri Nisith Kr. Kahtua by the opposite party / company with effect from 10.01.2017 as illegal, unjust, mala fide amounting to invalid, improper and inoperative and also for grant of relief of reinstatement with full back-wages and incidental benefits including bonus and also for other relief as may be deem fit and proper.

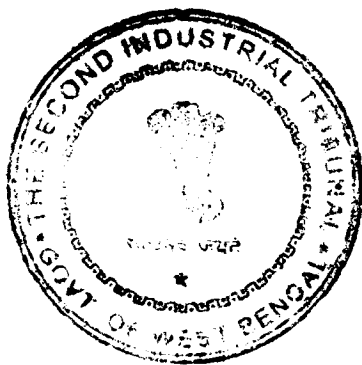
As grounds for grant of the relieves as spread for, it has been stated that the applicant Nisith Kr. Kahtua was a permanent workman of the company West Bengal Agro Textile Corporation Ltd. having its factory at Makardah road, Dasnagar, Howrah and also its office at Howrah house, 135, foreshore road under P.S. – Shibpur and also having its head office at 33A, Jawaharlal Nehru Road, 19th floor, room No. 11, Kolkata – 71. It is next stated that the company has business of spinning, weaving and finishing of textiles and manufacturing of jute materials and it appointed the applicant / workman w.e.f. 03.06.2007 as loom fitter at its factory at Dasnagar without giving any appointment letter and the company used to give him salary through vouchers. Though the workman and his union demanded for issuance of appointment letter but the company did not do so and it used to pay salary slip on and from 31.03.2010 to the workman. Mentioning that the workman provided meritorious and skilful service with high

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precision intelligent execution and thus earning an unblemished record in the service to the satisfaction of the management of the company, the workman has asserted that he was diligent and honest and he was also covered under the provision of E.S.I. Act and also Employees' Provident Fund and MP Act with E.S.I. No. 11821006, P.F. No. 5068, and his attendance used to be maintained in the attendance register. About company, it has been mentioned that it is prosperous and earned huge profits but it does not share its profits with the workers and the management of the company indulges in unfair labour practices of hire and fire without following the rules of law and natural justice. It is next stated that the company remain closed as per purported order of suspension dt. 31.03.2015 and it was reopened in 2016 and manufacturing process in the company started in November, 2016 and then the workman /applicant went to join his duty as loom fitter but the company did not allow him to join but the personnel manager Mr. S. Ali, General manager Mr. K.K. Ghosal and electric engineer Mr. S.K. Bhattacharjee on 06.12.2016 asked the workman to come after one month and on 07.01.2017 the workman /applicant found that in his bank account No. 1428010101373 with U.B.I. Sankrail branch an amount of Rs. 3,350/- was credited by the company but on 10.01.2017 the company started pressurising him to refund that money but refused him to join his duty though he performed uninterrupted service in the company from his joining till the date of his illegal termination. It is further stated that thus the company terminated the service of the workman by refusing to join his duty on and from 10.01.2017. It is then stated that due to his such illegal termination of service the workman raised protest and also demanded to allow him to resume duty but the company did not do anything. It is also stated that the workman made several calls to the office of the company demanding restoration of his service and also for his due salaries and at that time only the workman came to know that the company already appointed two persons Mr. Amir Ali and Mr. Kamruddin Mir as loom fitters and their salaries were being paid through vouchers and such appointment of these two persons without reinstating him in the service are illegal. The workman has further stated that after being illegally terminated thus, he tried to get a job but failed and as a result the family members of the workman are facing starvation. It is also stated that the company has not issued any charge-sheet or any show cause notice to him, neither did it resorted to any domestic enquiry before his termination and he was not offered opportunity of being heard before his termination. It is also stated that when thus the management of the company refused to allow him in duty after his all such persuasions, approaches and demands, the workman on 04.04.2017 raised an industrial dispute by writing a letter to the Deputy Labour Commissioner, Howrah requesting his intervention and then the conciliation officer convened a joint meeting by fixing several dates such as 09.08.2017, 2.08.2017 etc. but due to adamant attitude of management of the company no result came out but during that conciliation meeting

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the management of the company submitted comments. It is also stated that his such termination by the management of the company is nothing but a summery termination and it is illegal. It is added that the last drawn gross salary by the workman from the company was Rs. 8097/- per month.

From the case record it is found that after getting summon requiring the company to appear before this Tribunal, the management of the company entered into appearance executing authority in favour of Ld. Lawyer Mr. Hamedul Qader and also prayed for time to file written statement and accordingly time was allowed to the company but after that the company started becoming absent without any step and did not file written statement for which the company wanted time through Ld. Mr. Qader, and then on 04.05.2018 the company was directed to show cause as to why the case would not be heard ex-parte and S/R (service and return) of this show cause notice to the company was received on 11.06.2018, yet the company still remain absent without any step and then the case was fixed for hearing on merit ex-parte.

During hearing of the case accordingly, applicant / workman Nisith Kr. Kahtua examined himself as P.W.-1 by filing affidavit-in-chief under order 18 Rule-4 of Civil Procedure Code, 1908 and also adduced documentary evidences which are one gate pass dt. 03.06.07, one certificate issued to applicant / workman Sri Nisith Kr. Kahtua mentioning him to be an employee in the factory mechanic department of West Bengal Agro Textile Corporation Ltd., a joint venture enterprise with Government of West Bengal dt. 03.06.2011 issued by authorised signatory of the company, Bharat Jute Mills Unit, W.B.A.T. Corporation, Dasnagar, Howrah, five numbers of envelop mentioning an amount of money on each, identity card in the name of workman Nisith Kr. Kahtua issued by Employees' State Insurance Corporation, one back pass-book of United Bank of India having account No. 1428010101373 showing account holder's name as Nisith Kr. Kahtua, one letter addressed to Deputy Labour Commissioner, 28, Nittyadhan Mukherjee Road, Howrah dt. 04.04.2017 by workman Nisith Kr. Kahtua, some Employees' Provident Fund Slips in the name of workman Nisith Kr. Kahtua mentioning the name of employer, all of which have been marked Ext. 1 (collectively).

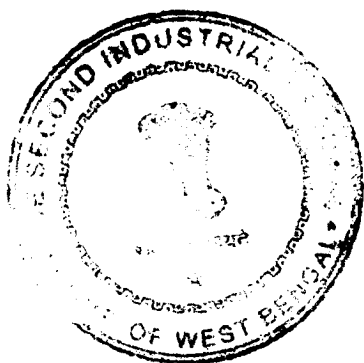
Ld. Lawyer for the workman has argued the case and has also filed written notes of argument. It is the argument of the Ld. Lawyer that the workman Nisith Kr. Kahtua was a permanent workman of the company which is a joint venture enterprise with Government of West Bengal being unit Bharat Jute Mills at Dasnagar, Howrah and this workman was illegally terminated from service. It is also stated in the argument that the company is in business of spinning, weaving and finishing textiles and manufacturer of jute materials and it appointed the workman on and from 03.06.2007 as a loom fitter at its factory at Dasnagar in Howrah without giving any formal appointment letter and accordingly the workman started working in the factory

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of the company and he would be given salary through voucher with envelop and despite demands for giving him formal appointment letter, the company did not do so but issued pay slips on and from 31.03.2010. the Ld. Lawyer has further mentioned that the workman had given meritorious and skilful service with high precision intelligent execution and untiring zeal that earned him an unblemished record of service with clear carrier to the complete satisfaction of the management of the company and he was diligent and honest also and the company also covered him under the provisions of E.S.I. Act and also Employees' Provident Fund and MP Act and his E.S.I. No. and P.F. No. are 11821006 and 5068 respectively and the workman also attended his duty maintained through attendance register. Ld. Lawyer also argued that the company is a prosperous concern earning huge profits but without sharing the same to the workers and the company indulges in unfair labour practice of hire and fire without caring laws of the land and principles of natural justice. Ld. Lawyer also stated that after remaining under order of suspension for some time the company further started functioning from November,2016 and accordingly manufacturing process in the factory of the company also restarted and the workman being in the post of loom fitter in the factory of the company went to resume his duty but he was not allowed by the company, notwithstanding when the workman met personnel manager Mr. S. Ali, general manager Mr. K.K. Ghosal and electric engineer Mr. S.K. Bhattacharjee on 06.12.2016, and wanted to know from that as to why he was not being allowed to join his duty but they did not make any reply but asked him to come after one month. Ld. Lawyer also stated that on 07.01.2017 in the account No. of the workman the company deposited Rs. 3,350/- but on 10.01.2017 the general manager of the company started pressurizing the workman to refund that amount and at the same time refused to permitting to join his duty and then the workman raised with them that he had been performing his service continuously starting from the joining till he was illegally terminated. It is also mentioned in the argument that management of the company without showing any reason refused the workman to join his duty w.e.f. 10.01.2017 and then he raised protest against his such illegal termination against the management of the company and demanded to allow him to resume his duty mentioning that he was terminated illegally and in violation of natural justice but the company did not do anything and after that the workman made a number of calls to the management of the company requesting them to allow him to his duty but in vain and thus the company resorted to unfair labour practices. Ld. Lawyer also added that the workman then came to know that after his termination thus illegally the company gave appointment to Mr. Amir Ali and Mr. Kamnuddin Mir as loom fitters and making payment to them through vouchers and did not issue salary slips and Ld. Lawyer stated that without allowing the workman to join his duty without giving him any opportunity of being heard the company made these new appointments and all these are against the law. Ld. Lawyer added that being illegally terminated by the management of the company, the workman tried to get a job but failed

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and as a result he became incomeless and his family is facing starvation. It is also stated that when all sorts of persuasions and approaches and demands by the workman to the management of the company to allow him to join his duty failed, the workman on 04.04.2017 raised an industrial dispute by writing a letter to the Deputy Labour Commissioner, Howrah and during joint meetings on several dates including on 09.08.2017 and 21.08.2017 the management of the company was found to be adamant and no result yielded but at that time the company submitted its comments. The company thus illegally terminated the service of the workman summarily and it is bad in law. It is also stated that the last salary drawn by workman was Rs. 8097/- per month. On the issues Ld. Lawyer has mentioned that the management of the company exercised colourable exercise of power against all norms of principles of natural justice and the workman is entitled to get reinstatement with all monetary relief including back-wages with bonus. Ld. Lawyer has also stated that the company appeared in this case engaging Ld. Lawyer Mr. H. Qader and also prayed for time to file written statement which was allowed by the Court but then the company did not do anything and despite getting show cause notice from this Court the company remained absent without step. Ld. Lawyer concluded his argument mentioning that the company did not find any fault with the workman in any way and the workman was terminated without giving him any show cause notice or without conducting any enquiry against him, and the workman adduced sufficient evidence in support of his case and the workman is entitled to get reinstatement with full back-wages and other relieves.

Point for consideration

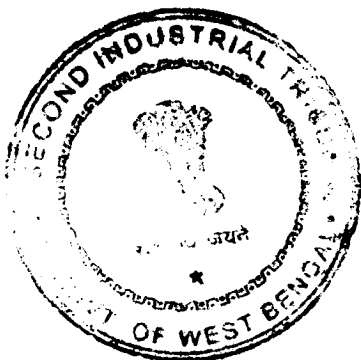
The only point for consideration is if the termination of the service of the workman by way of refusal of employment by the management of the company w.e.f. 10.01.2017 is justified and if so whether the applicant can get any other relieves as per law and equity. The workman as P.W.-1 has stated that he was appointed by the company as a loom fitter in its factory at Dasnagar, Howrah but no appointment letter was issued to him by the management of the company at the time of his appointment and according he started working as loom fitter in the factory of the company situated at Makardah road in Dasnagar within district Howrah. P.W.-1 also deposed that the company deals in spinning, weaving and finishing of textiles and also manufacturer of jute materials. P.W.-1 also deposed that on 03.06.2011 the management of the company issued him one certificate through its authorised signatory in his favour. He also deposed that the opposite party used to give his salary through voucher with envelop and even despite demands of appointment letter, the company did not give the same. P.W.-1 also deposed that the company issued E.S.I. card in his name and also issued slips on and from 31.03.2010. P.W.-1 also deposed that he has given meritorious and skilful service the company with high precision intelligent execution with untiring zeal which earned him an unblemished record of

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service and clear carrier to the complete satisfaction of all in the company mentioning that he was diligent and honest in performing his duties in the factory of the company and the management of the company covered him under the provisions of E.S.I. Act and also Employees' Provident Fund and MP Act being No. E.S.I. 11821006 and P.F. No. 5068 respectively and his attendance used to be maintained by the company in the attendance register of the company. He also deposed that the company is a prosperous concern earning huge profits but it does not give any portion of the profit to the workers and it also indulges in unfair labour practices of hire and fire without caring for the laws of the land and also principles of natural justice. Workman as P.W.-1 also deposed that on 01.03.2015 the company issued order of suspension but it was lifted in September, 2016 and manufacturing process in the factory of the company started from the month of November, 2016 and at that time he went to report for duty as a loom fitter but the security of the company did not allow him but the security of the company last of all allowed him to see the personnel manager Mr. S. Ali, general manager Mr. K.K. Ghosal and electronic engineer Mr. S.K. Bhattacharjee on 06.12.2016 and at that time P.W.-1 wanted to know from them as to why they were not allowing him to join his duty but they did not make any reply and asked him to come after one month. But on 07.01.2017 he found that in his savings bank account No. 1428010101373 with the U.B.I. bank, Sankrail branch an amount of Rs. 3,350/- was credited on being deposited by the company and on 10.01.2017 the company pressuring him to refund that money but did not permit him to join in the service. P.W.-1 further deposed that he rendered uninterrupted service as a loom fitter in the factory of the company from the time of his joining till his illegal termination and then the company without showing any reason refused to allow him to join his duty on and from 10.01.2017 and P.W.-1 also raised protest against this illegal action by the management of the company and demanded to allow him to resume his duty but the company did nothing and thus the management of the company violated the law of the land and principles of natural justice. P.W.-1 also deposed that he also made several calls to the office of the company requesting to the management of the company to reinstate him in his service but the company remained silent. P.W.-1 also deposed that at that time he came to know that the management of the company already appointed two persons, one Amir Ali and another Kamruddin Mir as loom fitters and they were being given salary through vouchers without allowing him to perform his duty and it is illegal. P.W.-1 also deposed that after such illegal termination of his service by the company he tried to get job but failed and he thus facing economic problem causing starvation to his family. P.W.-1 also deposed that the company has not issued any charge-sheet against him nor did not send any show cause notice to him, nor conducted any domestic enquiry before his such illegal termination and company also did not give any opportunity of hearing before his termination. P.W.-1 also deposed that when all such persuasion and demands by him to allow him to join his duty failed,

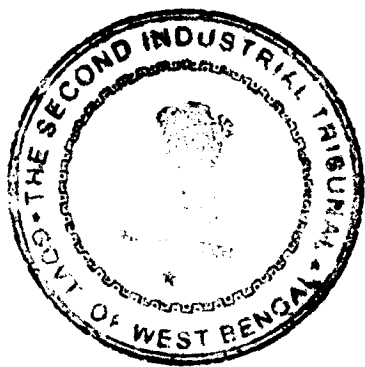
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he wrote a letter to the Deputy Labour Commissioner, Howrah mentioning the entire matter with request to intervene the matter. P.W.-1 also deposed that conciliation officer convened a number of joint meetings on several dates including on 09.08.2017 and 21.08.2017 but the management of the company remained adamant and the entire matter remained unresolved. He also deposed that his summery termination of service by the management of the company is illegal. He also deposed that his last drawn up salary was Rs. 8,097/- per month and he has wanted reinstatement in his service with full back-wages and incidental benefits including bonus and also other relief with cost. On the basis of his deposition the documents as has been mentioned earlier were marked Ext. 1 collectively.

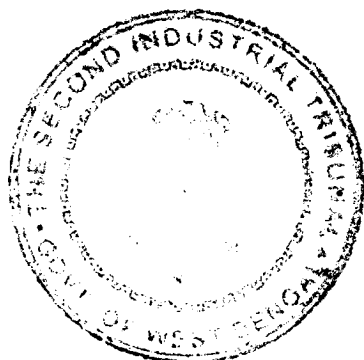
Ext. 1 is the gate pass, it shows that it was issued to him on 03.06.2007 requiring to allow him to go inside the factory at 10.30 a.m. and Ext. 1/1 is a similar gate pass permitting him to go inside the factory at 10.30 a.m., ext. 1/2 is a certificate on the letter-pad of the company with its name as West Bengal Agro Textile Corporation Ltd. on the top of it, describing it as a joint venture enterprise with Government of West Bengal, it is dated 03.06.2011, it contains two address, one for registered office being at Chatterjee International Centre, 19th floor, room No. 11 and 12, 33A Jawaharlal Nehru Road, Kolkata -71 and also a further address mentioning as Bharat Jute Mills, Dasnagar, Howrah, 711105. The contention of this certificate (Ext. 1/2) is that, 'this is to certify that Sri Nisith Kr. Kahtua son of late Gosto Bihari Khatua bearing token No. 0-004 is an employee of our concern at our factory mechanic department as per our record, his residential address is Champatala, vundaripara, P.O. Sankrail, it also contains signature of the issuing authority with office seal, which shows that this certificate was issued by authorised signatory of the company (Bharat Jute Mills Unit), WBAT Corporation, Dasnagar, Howrah, this certificate (Ext. 1/2), it is found to be original with office seal of the issuing authority of the company and this document (Ext. 1/2) corroborates the version of the workman Nisith Kr. Kahtua as P.W.-1 that he happened to be the permanent employee of the company. Ext. 1/3, Ext. 1/4, Ext. 1/5 and Ext. 1/6 are envelop mentioning quantum of money in rupees and it appears that the workman filed this document to support his version as P.W.-1 that the company used to pay his salary on vouchers, Ext. 1/7 is the identity card of the workman Nisith Kr. Kahtua issued by Employees' State Insurance Corporation. As has been seen it is the deposition workman as P.W.-1 that on 07.01.2017 he found that the management of the company deposited Rs. 3350/- in his bank account having No. 1428010101373 at U.B.I., Sankrail branch was deposited by the company but subsequently on 10.01.2017 the company started pressuring him to return back that money to the company but the company at that time also refused to allow him to join in his duty. The workman has proved the bank account by exhibiting pass-book of that bank (Ext. 1/8), this Ext. 1/8 shows that it contains this account number and also the name of the workman as account holder in that bank and this pass-book (Ext. 1/8) shows that on 07.01.2017 Rs. 3,350/- was

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deposited in the account of the workman and the pass-book contains particulars dt. 07.01.2017 as NEFTIN/AXTB170074251939/WBATCL/UTIB0000005, and this document (Ext.1/8) satisfactorily corroborates the version of workman as P.W.-1 that on 07.01.2017 in his savings bank account No. 1428010101373 in U.B.I. Sankrail branch the company deposited an amount of Rs. 3,350/- and on 10.01.2017 the management of the company started pressuring him to refund that money to the company but the company did not allow his request to join his post. The workman as P.W.-1 has stated about making a representation before Deputy Labour Commissioner, Howrah and on the basis of the same conciliation officer called for a joint meeting but the management of the company remained adamant, on the basis of his evidence this representation was marked Ext. 1/9, which shows that it is addressed to Deputy Labour Commissioner, 28 Nityadahn Mukherjee Road, Howrah, it contains a heading as a prayer to reinstate him in his service, it is found to be written by workman Sri Nisith Kr. Kahtua, the contention of the letter shows that the workman describing himself to be the workman of the company has stated that he joined the company as a workman on 03.06.2007 and continued working continuously up to 2015 and after that the work in the factory of the company remained under suspension for about two years during which he had to work at other place, it is also stated that the work in the factory of the company again started in September, 2016 but he could not effort to come to join on that day due to some problems relating to money with the Central Government and at that time he could not mark any notice given by the company and then management of the company refused to give him any work and at that time management of the company stated to him that the management of the company did not have anything to do and workman was free to do whatever he like and asked the workman to not to enter inside the factory. It also contains that on 10.01.2017 the management of the company called him and asked him to return Rs. 3,350/- as was deposited by the management of the company in the bank account of the workman and then started pressuring on him to get back that money from the workman and at that time he requested the management of the company to allow him to join his duty but the company did not do anything though his term of service up to 2020 and with all these the workman requested Deputy Labour Commissioner, Howrah for doing the needful. This document (Ext. 1/9) corroborate the version of the company to the extent that when the suspension of work in the factory of the company was lifted the workman reported for duty but he was not allowed by the management of the company even though earlier he had been in continuous service of the company from the time of his joining till the opening of the work in the factory after suspension till September, 2016 and his repeated requests before the management of the company to allow him to join his duty were not considered but the management of the company then deposited an amount of money of more than Rs. 3000/- in the bank account of the workman and then the management of the company started pressuring the workman to return that

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money and at that time also the workman requested the workman to reinstate him but the management of the company did not do anything.

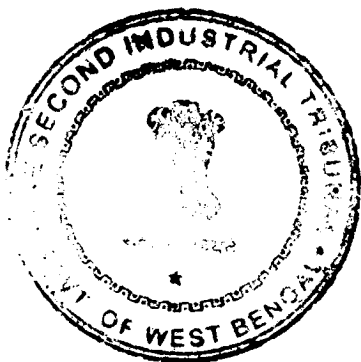
Now having taken the deposition and the statement of fact of the workman it is coming out that the workman was appointed in the factory of the company as loom fitter and he continued working continuously till before two years from 2016 and during that two years just before 2016 by order of management of the company the work remained under suspension but when the work in the factory was started in 2016 after suspension the workman reported for duty but he was not allowed despite his repeated requests to the management of the company and also raising protest by sending letter to the Deputy Labour Commissioner, Howrah (Ext. 1/9). It is also coming out that there is no allegation against the workman by the management of the company on the basis of which the service of the workman needed to be suspended. Ld. Lawyer for the workman has relied the letter addressed to the Deputy Labour Commissioner by workman (Ext. 1/9) and this shows that during the period of two years of suspension of work in the factory of the company, the workman worked at elsewhere and he returned to join the work when it further commenced in the factory of the company after the period of suspension was over. The management of the company appeared in this case but then started becoming absent without any step and thus the management of the company did not like to challenge the case of the company. Under such circumstances reinstatement as prayed for appears to be allowable and so far as the back-wages are concerned, it may be up to 25%. Both issues are decided accordingly.

It is, therefore,

ORDERED

that the petition of the petitioner Sri Nisith Kr. Kahtua, son of Late Gosto Bihari Khatua of Chanpatala, Bhandaripara, under P.S.- Sankrail within district – Howrah against West Bengal Agro Textile Corporation Ltd., a joint venture enterprise with Government of West Bengal, unit - Bharat Jute Mills, Makardah road, Dasnagar, Howrah U/s. 2A(2) of Industrial Disputes Act, 1947 with a prayer to hold the termination of the services of workman /applicant Nisith Kr. Kahtua by way of refusal of employment by the management of the company as mentioned above w.e.f. 10.01.2017 as illegal, unjustified, mala fide amounting to invalid, improper and inoperative is allowed and the termination of service of workman Sri Nisith Kr. Kahtua by way of refusal of employment by management of the company as mentioned above he is declared illegal, unjust, improper and inoperative and it is set aside, and the prayer to grant him reinstatement in his service is allowed and it is accordingly directed that the management of the company shall reinstate the workman forthwith with 25% back-wages from the date of his termination i.e. 10.01.2017 and the management of the company is further directed to pay the back-wages as

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ordered above immediately. This is the award of this Tribunal. Necessary number of this award be prepared and sent to the appropriate government i.e. the principal Secretary to the Government of West Bengal, Labour Department, New Secretariat Buildings, 1, Kiran Sankar Roy Road, Kolkata – 700001 and other needful be done as provided in the rules therefore.

Dictated & corrected by me.

Judge

sd/-
(S. C. Das)
Judge
Second Industrial Tribunal,
12.10.2018

