

I/357129/2023

LABR-22015(16)/3/2023. IR SEC-Dept. of LABOUR

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

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

Date 06-02-2023

ORDER

WHEREAS an industrial dispute existed between M/s Bonded Textiles (Pvt) Ltd., P-187A, Block- "E" Second Floor, Kolkata – 700089 & M/s. Textbelt Industries (P) Ltd., DK – 1004, The Gallru's, Plot No. BG/8, Action Area – 1, New Town, Kolkata - 700156 and their workman Shri Satya Narayan Singh, C/o – Anup Singh, 12, Rup Chand Ray Street (3rd Floor), Kolkata - 700001 regarding the issues being a matter specified in the 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 First Industrial Tribunal Specified for this purpose under this Department Notification No. 101-IR dated 2.2.12;

AND WHEREAS the First Industrial Tribunal has submitted to the State Government its Award dated 16.12.2022 vide memo no. 1864 - L.T. dated 21/12/2022.

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,

Additional Secretary
to the Government of West Bengal

109/HA(RS)
8/2/23

I/357129/2023

LABR-22015(16)/3/2023. IR SEC-Dept. of LABOUR

(2)

No. Labr. 97/1(2) – IR

Dated 06-02-2023.

Copy forwarded for information to:

1. The Judge, First Industrial Tribunal with reference to his Memo No. 1864 - L.T. dated 21/12/2022.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

Additional Secretary

No. Labr. 97/2(6) – IR

Dated 06-02-2023

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

1. M/s Bonded Textiles (Pvt) Ltd., P-187A, Block- "E" Second Floor, Kolkata – 700089.
2. M/s. Textbelt Industries (P) Ltd., DK – 1004, The Gallru's, Plot No. BG/8, Action Area – 1, New Town, Kolkata - 700156.
3. Shri Satya Narayan Singh, C/o – Anup Singh, 12, Rup Chand Ray Street (3rd Floor), Kolkata - 700001.
4. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
5. The O.S.D. & E.O. Labour Commissioner, W.B., New Secretariat Building (11th Floor), 1, Kiran Sankar Roy Road, Kolkata – 700001.
6. The Sr. Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.

Additional Secretary

In the matter of an Industrial Disputes exists between Satya Narayan Singh, C/o – Anup Singh, residing at 12, Rup Chand Ray Street (3rd Floor), Kolkata – 700 001 against 1) M/s Bonded Textiles (Pvt.) Ltd. of P-187A, Block-“E”, Second Floor, Kolkata – 700 089 & 2) M/s Textbelt Industries (P) Ltd. of DK – 1004, The Gallru's, Plot No. BG/8, Action Area – 1, New Town, Kolkata – 700 156.

BEFORE THE FIRST INDUSTRIAL TRIBUNAL: WEST BENGAL

PRESENT

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

Date of Order: 16.12.2022

Case No.: 05/2019 u/s 2A(2)

In the matter of an Industrial dispute under Sub-Section (2) of Section 2A of the Industrial Disputes Act 1947 filed on 05.11.2019 before this Tribunal for reinstatement of the Workman named Satya Narayan Singh in service under M/s Bonded Textiles Private Limited the Opposite Party No. – 1 and M/s Textbelt Industries Private Limited i.e. Opposite Party No.- 2 with full back wages along with other consequential benefits.

The present case being No. 05/2019 u/s 2A(2) of the Industrial Disputes Act 1947 as amended as stated by the Applicant Workman in a nutshell is that the concerned Workman continuously worked during 22 (twenty two) years under Opposite Party till his termination of service w.e.f. 05.08.2012 followed by an unfair labour practice by the Opposite Party upon the Workman.

It is further stated that in spite of oral requests of the Workman to his employer to make continuance of his appointment under the Company but on 05.08.2017 the employer all on a sudden terminated the service of the Applicant without assigning any reason or prior notice and without offering any monetary benefits/compensation.

On the other hand, the Company had appeared through Managing Director, filed Written Statement on 05.05.2022, stating inter-alia that the present Applicant is not a workman within the meaning of the provision of Industrial Disputes Act. He was appointed as a Driver under the Opposite Party No. – 2 on contractual basis, which was extended from time to time on his requests beyond the period of his retirement since he crossed the retirement age long back and he was aged about 71 years on 05.08.2007 i.e. the material point of time.

The Opposite Party denied all the allegations as false and fabricated which was made to harass the Opposite Party only and thus the same is liable to be dismissed in the facts and circumstances.

Be it mentioned here that the age of retirement in the Company is 58(fifty eight) years while the Applicant is now 74 (seventy four) years old.

During the pendency of the case the Opposite Party files a petition on 01.06.2022 praying for filing further documents with copies of the same along with a prayer of leave of this Tribunal to allow the same.

The Applicant was asked to file Written Objection.

At that time, it is agreed by the parties that within 16.12.2022 they will settle the matter amicably between them.

Accordingly, on 16.12.2022 the matter is taken up for registering the settlement between the parties.

The Workman is examined as PW-1 and crossed is declined.

It is settled that the allegations made by him in his petition is not proper and right rather he prays for an amicable settlement for which he shall be paid a sum of Rs. 10,000/- (Rupees ten thousand) only in cash and accordingly, in open Ejlash a sum of Rs. 10,000/- (Rupees ten thousand) only in cash has been paid to him on proper receipts for full and final settlement and with a deposition that in future he will not make any claim further against the Company in any manner whatsoever.

As the settlement is voluntary one and there remains no more disputes in between the parties this Tribunal is of firm opinion that the settlement between the parties shall be accepted and accordingly the same is accepted.

Hence it is

AWARDED

That in pursuance of the observations made above the instant case being No. 05 of 2019 u/s 2A(2) of the Industrial Disputes Act is disposed of on the basis of settlement as revealed from the deposition of PW-1, coupled with money receipt of Rs. 10,000/- (Rupees ten thousand) only and considering all aspects and having heard the parties to the case the prayer is allowed for amicable settlement and an Award is being passed on that basis.

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

JUDGE
FIRST INDUSTRIAL TRIBUNAL
WEST BENGAL

Dictated & corrected by me

Sd/-

(Uttam Kumar Nandy)
Judge

JUDGE
FIRST INDUSTRIAL TRIBUNAL
WEST BENGAL