

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

No. Labr/ 1391 / (LC-IR)/ 22015(16)/153/2025

Date : 08-12-2025

ORDER

WHEREAS under Labour Department's Order No. 944-IR/IR/11L- 70/12 dated Kolkata 27th September, 2012 with reference to the Industrial Dispute between M/s. Howrah South Point Social Welfare & Community Development Centre, 15, P. M. Bustee, 3rd By Lane, Shibpur, Howrah-711102 and its workman Smt. Purnima Naskar, W/o. Sri Monoj Kumar Naskar, 9/10, P. K. Roychowdhury, 1st By Lane, P.O.-B. Garden, Howrah-711103, regarding the issues mentioned in the said order, being a matter specified in the Second Schedule of the Industrial Dispute Act' 1947 (14 of 1947), was referred for adjudication to the 5th Industrial Tribunal, Kolkata.

AND WHEREAS the 5th Industrial Tribunal, Kolkata, has submitted to the State Government its Award dated 21.11.2025 in Case No. VIII-47-2012 on the said Industrial Dispute Vide e-mail dated 02.12.2025 in compliance of Section 10(2A) of the I.D. Act' 1947.

NOW, THEREFORE, in pursuance of the provisions of Section 17 of the Industrial Dispute Act' 1947 (14 of 1947), the Governor is hereby pleased to publish the said Award in the Labour Department's official website i.e **labour.wb.gov.in**.

By order of the Governor,


Assistant Secretary
to the Government of West Bengal

No. Labr/ 1391 /1(5)/(LC-IR)/ 22015(16)/153/2025

Date : 08-12-2025

Copy forwarded for information and necessary action to:

1. M/s. Howrah South Point Social Welfare & Community Development Centre, 15, P. M. Bustee, 3rd By Lane, Shibpur, Howrah-711102.
2. Smt. Purnima Naskar, W/o. Sri Monoj Kumar Naskar, 9/10, P. K. Roychowdhury, 1st By Lane, P.O.-B. Garden, Howrah-711103.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B. New Secretariat Building, 1, K. S. Roy Road, 11th Floor, Kolkata- 700001.
5. The Deputy Secretary, IT Cell, Labour Department with request to cast the Award in the Department's website.


Assistant Secretary
to the Government of West Bengal

No. Labr/ 1391 /2(3)/(LC-IR)/ 22015(16)/153/2025

Date : 08-12-2025

Copy forwarded for information to :

1. The Judge, 5th Industrial Tribunal, Kolkata, with reference to e-mail dated 02.12.2025.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.
3. Office Copy.


Assistant Secretary
to the Government of West Bengal

In the Fifth Industrial Tribunal, West Bengal
New Secretariat Buildings, Kolkata.

Present: Shri Bibekananda Sur, Judge
Fifth Industrial Tribunal, Kolkata.

Case No.VIII-47-2012
Award dated 21.11.2025

In the matter of an Industrial Disputes between M/s. Howrah South Point Social Welfare & Community Development Centre, 15, P. M. Bustee, 3rd By Lane, Shibpur, Howrah-711102 and Smt. Purnima Naskar, W/o. Sri Monoj Kumar Naskar, 9/10, P. K. Roychowdhury, 1st By Lane, P.O.-B. Garden, Howrah-711103.

The present case arose due to reference by the Government under No. 944-IR/IR/11L-70/12 dated Kolkata 27th September, 2012.

The present case is under section 10 of Industrial Dispute Act initiated by the applicant Purnima Naskar against the order of dismissal dated 01.12.2010.

The management contested the proceeding and defended the order of dismissal on the ground that the applicant during her tenure discharged the duty of vaccine in-charge/ Immunization In-charge and used to submit manipulated stock statement and thereby suppressed the lesser quantum of vaccine stored in the refrigerator and the applicant could not satisfy such shortage of vaccine in store and the applicant was chargesheeted followed by a domestic enquiry and on the finding of the domestic enquiry, the applicant Purnima Naskar was dismissed.

The applicant challenged her dismissal order on the ground that she was never appointed as vaccine incharge by any written text and also on the ground that there was no expert report establishing the identification of her handwriting in the manipulated sheet and also on the ground that the chargesheet dated 24.06.2010 was not enquired at all and also on the ground that the quantum of shortage of vaccine in store has not been mentioned in details. Furthermore the applicant although pleaded that the vaccine utilization statement was merely collected by her from the fieldstaff and under threat she wrote two separate letter on 25.08.2010 admitting her guilt and this is the whole case of the Applicant Purnima Naskar.

The case was referred with the following issue.

- (1) Whether the dismissal of service of Smt. Purnima Naskar with effect from 01.12.2010 is justified?
- (2) What relief, if any, is she entitled to?

Decision with Reasons:

Adjudication of the Issue no.1) Whether the dismissal of service of Smt. Purnima Naskar with effect from 01.12.2010 is justified?

The applicant was first chargesheeted on 24.06.2010 and supplementary chargesheet was issued and on 23.07.2010 annexing Annexure-I alleging gross discrepancy of quantity of

vaccine between the entry in the field utilization Register and the Monthly Statement of utilized vaccine for the month of May, 2010 prepared by the Field Staff submitted to the applicant as the applicant was in-charge and responsible for maintaining records of vaccine uptodate and overwriting found in monthly statement for her personal gain together with the allegation in the Annexure dated 23.07.2010 as Annexure-2 alleging that after receiving the Monthly Statement of the utilization statement from the field staff , Purnima Naskar made addition, correction by overwriting the figure to magnify the utilization which did not tally with the entry and she was the only intermediary between the Field Staff and the HSP Authority for submission of the monthly utilization statement and the delinquent employee replied on 02.07.2010 denying all allegations leveled against her and she also denied her job as vaccine incharge.

Her reply was not satisfied and domestic enquiry was held and on the finding of the enquiry she was asked to show cause and afterwards dismissed.

Purnima Naskar adduced as P.W1 and relied upon following documents:

Documents relied upon by the workman.

Sl. No.	Exhibit No.	Date of marking	Nature of Document
1	Exhibit-A	14.09.2017	Letter of confirmation of employment dated 03.09.1986
2	Exhibit-B	12.02.2020	Xerox copy of employer's letter dt. 03.09.86
3	Exhibit-C	12.02.2020	Xerox copy of employer's letter dt. 24.06.2010 to the workman
4	Exhibit-D	12.02.2020	Xerox copy of workman's letter dt. 02.07.2010 to the employer
5	Exhibit-E	12.02.2020	Xerox copy of employer's letter dt. 23.07.2010 to the workman
6	Exhibit-F	12.02.2020	Xerox copy of employer's letter dt. 09.09.2010 to the workman
7	Exhibit-G	12.02.2020	Xerox copy of workman's letter dt. 24.09.2010 to the employer
8	Exhibit-H	12.02.2020	Xerox copy of employer's letter dt. 30.09.2010 to the workman
9	Exhibit-I	12.02.2020	Xerox copy of employer's letter dt. 29.11.2010 to the workman
10	Exhibit-J	12.02.2020	Xerox copy of workman's letter dt. 10.12.2010 to the employer
11	Exhibit-K	12.02.2020	Xerox copy of workman's letter dt. 05.01.2011 to the Deputy Labour Commissioner
12	Exhibit-L	12.02.2020	Xerox copy of workman's petition dt. 07.07.2011 before the Hon'ble Deputy Labour Commissioner, Howrah

Nilima Mallick adduced as OPW/MW-1 and Nabanita Choudhury adduced as MW-2 and relied upon following documents to prove the charge :

Documents relied upon by the Management

Sl. No	Exhibit No.	Date of marking	Nature of Document
1	Exhibit No.1	08.06.2017	Copy of charge sheet dt. 24.06.2010
2	Exhibit No.2	08.06.2017	Copy of reply to the charge sheet by workman
3	Exhibit No.3	08.06.2017	Copy of Notice of Domestic Enquiry
4	Exhibit No.4	08.06.2017	Copy of letter dt. 25.08.2010 by Management
5	Exhibit No.5	08.06.2017	Copy of supplementary charge sheet alongwith annexures
6	Exhibit No.6	08.06.2017	Copy of letter dt. 24.09.2010
7	Exhibit No.7	08.06.2017	Copy of letter dt. 30.09.2010
8	Exhibit No.8	08.06.2017	Copy of letter dt. 24.11.2010 with annexure
9	Exhibit No.9	08.06.2017	Copy of dismissal order
10	Exhibit No.10	08.06.2017	Copy of certificate
11	Exhibit No.11	27.06.2017	Ten challans cum bill by Purnima Naskar
12	Exhibit No.12	27.06.2017	03 requisitions made by Purnima Naskar

13	Exhibit No.13	27.06.2017	Report of field staff
14	Exhibit No.14	27.06.2017	Report of Purnima Naskar
15	Exhibit No.15	27.06.2017	Summary Report of Purnima Naskar

Purnima Naskar P.W 1 adduced that she was never appointed as vaccine incharge and she did not prepare the report rather she collected the same from the field staffs and she denied manipulation by overwriting and also alleged that she was forced to write the letter dated 25.08.2010 Ext.4.

Medical Coordinator Nilima Mallick OPW/MW-1 adduced evidence and during cross examination she revealed on 20.07.2017 that the Exhibit-11 and 12 reflects that the employee Purnima Naskar was functioning and discharging administrative job and she made requisition of vaccine and received the same from Bhogilal and Sons and Purnima Naskar endorsed the documents viz. Exhibit-11 and 12 and that apart cross examination of MW-1 Nilima Mallick and MW-2 Nabanita Choudhury failed to state the date since when Purnima Naskar became vaccine in charge and such question itself suggest the role of Purnima Naskar in the organization as immunization in charge, otherwise the starting date of the applicant functioning as Immunization In-charge would not have been questioned during cross-examination.

Exhibit-A marked on 14.09.2017 is the letter of confirmation of employment issued to Purnima Naskar for her job as MCH Field Worker and she was also directed to carry out such other works as would be assigned by any Department of the society as per decision of the Management.

In view of such Exhibit-A it appears that apart from field work, the job of Purnima Naskar was to undertake other jobs beside her field work and when such Exhibit-A be construed with the Exhibit-11 and 12 and Exhibit-15 it would reflect that the job of Purnima Naskar was not at all confined as Field Worker , rather she also acted as Immunization incharge , for the organization.

Cross Examination of Purnima Naskar reflects that she made series of written representations before the organization to ventilate her grievance regarding her meager amount of salary and during cross examination she admitted that she received the challans of vaccination bearing Marked as Exhibit-11, Exhibit-11/a, Exhibit-11/b, Exhibit-11/c, Exhibit-11/d, Exhibit-11/e, Exhibit-11/f, Exhibit-11/g and the P.W.1 admitted that she received the purchased vaccine on 19.05.2010 for the organization vide Exhibit-11. It further appears that she received purchased vaccine from P. Bhogilal and Sons on 21.04.2010 for the organization vide Exhibit-11/b, It further appears that she received the purchased vaccine on 01.04.2010 for the Management vide Exhibit-11/c. It further appears that she received the vaccine on 01.04.2009 for the Management vide Exhibit-11, It further appears that she received the vaccine on 30.03.2010 for the Management vide Exhibit-11/d, It further appears that she purchased vaccine from P. Bhogilal and Sons and received the vaccine on 19.03.2010 for the Management vide Exhibit-11/d/1, It further appears that she received the purchased vaccine on 03.03.2010 for the

Management vide Exhibit-11/e, It further appears that she received the purchased vaccine on 10.02.2010 for the Management vide Exhibit-11/f, It further appears that she received the purchased vaccine on 13.01.2010 for the Management vide Exhibit-11/g.

In view of above it appears that Purnima Naskar received the purchased vaccine from the supplier P. Bhogilal and Sons on behalf of the organization and thereafter she distributed vaccine and prepared the list by signing the distribution sheet from 24.04.2009 vide Exhibit-12 in three sheets. So the admitted position is that after receiving the purchased vaccine, it was the duty of the applicant Purnima Naskar to fairly maintain the stock and after distribution of the same to the field staff she used to take utilization statement from the field staffs alongwith unused vaccine and she used to report about the unused vaccine being stock in hand to the management.

It is pertinent to mention here that the applicant Purnima Naskar never made any allegation that she received lesser quantum of unused vaccine from the field staff and that being so, admittedly the applicant received the exact number/quantum of unused vaccine from the field staff as shown in their respective statements, and that exact quantum of unused vaccine must be perfectly tallied with the stock in hand, if it is not interfered by the applicant herself. The quantum of unused vaccine received back from the field staff should be perfectly tallied with the quantum of unused vaccine kept in stock in hand, until someone pilfer the stock and the applicant being the vaccine incharge is the sole responsible person for such pilferage or for shortage of vaccine in stock.

But in the present case physical shortage of vaccine reflects that the applicant being the vaccine incharge (Ext.15) after receiving the unused vaccine from the field staffs kept lesser number or lesser quantum of vaccine in refrigerator and suppressed the actual state of affairs by manipulating and by overwriting the utilization statement received from the various field staffs.

By virtue of Exhibit-12 the applicant Purnima Naskar submitted the vaccine stock statement to the Management from time to time by manipulating the same and such manipulation was knowingly and intentionally done by the applicant, to mislead the management so that the physical shortage of vaccine kept in the refrigerator be not revealed to the management and such manipulation revealed that the applicant Purnima Naskar was the sole responsible person for such shortage of vaccine and she was the sole guilty for keeping lesser quantum of vaccine in the refrigerator and she was also the guilty for suppressing the actual state of affairs by manipulated statement so that her guilt be not revealed to the management and the management was desired to be kept in dark about her unwanted interference with the stock in hand.

Exhibit-13 reflects that the statement prepared on the basis of Exhibit-11 and Exhibit-12 and Exhibit-15 altogether reflects that Purnima Naskar submitted the vaccine utilization statement from April, 2009 to 14.06.2010 and **she signed the vaccine utilization statement / certificate as incharge Ext.15 and signed** the same on 17.06.2010.

When the Exhibit –11, Exhibit-12 and Exhibit-15 are conjunctively construed it revealed that Purnima Naskar althrough acted as in-chage of Immunization Programme otherwise vaccines would not have been received by her on behalf of the organization from P. Bhogilal and Sons by Exhibit – 11 series and vaccine statement revealing the stock in hand would not have been submitted by her before the management , after collecting the same from the field staff.

Exhibit-12 reflects that Purnima Naskar submitted vaccine utilization statement continuously for a long tenure and Exhibit 15 also reflects that she signed the statement as incharge and that being so the plea of Purnima Naskar that she was not the incharge is an incorrect statement and does not reflect the actual state of affairs and she cannot escape the liability of her activity as incharge in the organization and her plea that there was no written appointment as incharge nullify itself when it is construed conjunctively with the Ext.11, Ext.12, Ext.15 , Ext.4 and Ext.6.

On the other hand the appointment and confirmation letter of Purnima Naskar marked as Exhibit-A reflects that other than field work she had to perform others jobs as would be assigned to her. Accordingly her plea that there was no written appointment of incharge is discarded.

The applicant argued that identification of her handwriting in the manipulated sheet not established by any expert is a meritless statement because she did not deny her role to receive the supply of vaccine from the supplier , or to distribute the vaccine amongst the field staffs or to collect the utilization statement from the field staffs alongwith unused vaccine or to submit the statement revealing the stock in hand to the management. On the other hand it appears that Purnima Naskar produced the statement before the management by signing the same and thereby reported day to day statement of stock in hand and as such there is hardly any scope for the workman to escape her liability for suppressing the actual lesser quantum of stock in hand by producing an inflated and manipulated statement distorting the actual state of affairs.

The reply of the applicant against her show cause also revealed that the employee was incharge of the vaccination programme and she confessed her guilt for shortage of vaccine vide Exhibit 4 and by Exhibit 6 and when the Exhibit 11,12 , 13 and 15 are construed with the Exhibit 4 and 6, it will reveal that the allegation made in the charge sheet unerringly established the guilt of the delinquent employee Purnima Naskar.

Exhibit-4 is the admission made by Purnima Naskar dated 25.08.2010 to the management to the effect that she suppressed the actual shortage of vaccine kept in the freeze and also admitted that at her instance interpolation / overwriting was done.

Exhibit-6 dated 25.08.2010 addressed to the Enquiry Officer also revealed her admission like Exhibit-4.

The applicant denied manipulation in the distribution sheet subsequently by letter dated 19.10.2010 but the cross-examination of applicant dated 08.09.2021 reflects that her alleged signature obtained on threat or by force was neither reported to the management nor any intimation has been ever made to the concerned police station and that apart such alleged threat is not mentioned in the written statement.

Cross Examination of WW-1 Purnima Naskar dated 08.09.2021 admits that she signed the challans and submitted the vaccine utilization statement and the applicant WW-1 also admitted it in cross examination that she also made requisition for vaccine in three separate pages vide Exhibit-13 and she also admits that she signed the Exhibit -15 Summary Statement of vaccine utilization from 9.04.2010 to 14.06.2010.

It is pertinent to mention here that the applicant admitted her guilt on 25.08.2010 but she did not make any complaint either before the Management or before the concerned Police Station alleging that she was forced to admit the guilt.

There is no whisper that the applicant was forced to write any backdated letter either before the Enquiry Officer or before the Management.

That being so , after making confession of guilt on 25.08.2010 the applicant for the first time vide her letter dated 19.10.2010 revealed that she was forced and compelled to admit her guilt vide Exhibit-4 and by Exhibit-6.

Now the question is that how far the plea of Purnima Naskar holds good that she was forced to confess her guilt by Ext.4 and Ext.6.

It is pertinent to mention here that letter vide Ext.4 and Ext.6 were sent under Post without submitting the same in the office of her organization. Admittedly, the applicant was sitting idle for 57 days after making such written confession viz. upto 19.10.2010, without making any whisper either before the Management or before the concerned P.S. to the effect that she was forced under threat to write two separate letters on 25.08.2010 admitting her guilt for shortage of vaccines kept in the freeze contradicting the quantum of vaccine shown in the vaccine utilization statement duly signed and submitted by her and during cross examination the applicant WW-1 admitted that she signed the vaccine receipt, vaccine utilization statement bearing interpolation and over writing , evidencing manipulation of the statement.

In view of above discussion it appears that there was pilferage/shortage of vaccine from the store and the vaccine utilization statement revealed that inflated quantum of vaccine, physically mismatched with the vaccine stored in the freeze and such inflated vaccine utilization statement was signed and submitted by the applicant Purnima Naskar before the authority concerned and she failed to satisfactorily answer about shortage of vaccine.

That being so the applicant Purnima Naskar knowingly admitted her guilt by Exhibit – 4 and Exhibit-6, otherwise she would not have been sitting idle for more or less 57 days since after making such admission on 25.08.2010.

That being so the letter marked as Exhibit-10 dated 19.10.2010 written by Purnima Naskar addressed to the Secretary Tapati Mukherjee , Howrah South Point retracting her admission of guilt was nothing but an afterthought devise for fishing out evidence to suppress her act of misdeed .

The applicant sat idle for 57 days without raising any objection against her written admission of guilt dated 25.08.2010 and afterwards started denying her admission on the plea that written admission of guilt was procured under threat vide her letter dated 19.10.2010, 01.11.2010, 20.11.2010, 26.11.2010 are all made afterthought for fishing out evidence to escape her liability , otherwise objection would have been raised immediately preferably on the following day or soon thereafter before the authority concerned or before the concerned Police Station and that apart there is no satisfactory explanation as to why the applicant was sitting idle for more or less 57 days or what prompted her to raise objection retracting her admission after a lapse of 57 days and such unexplained delay on the part of the applicant Purnima Naskar unerringly established such retraction as afterthought, manufactured made with malafide intention to cover up her act of misdeed and thereby there is no credibility of those letters purportedly manufactured to defend her guilt and those letters are meritless and are totally discarded herein and it is held that the Ext.4 and Ext.6 were knowingly, intentionally and were voluntarily written by the delinquent employee Purnima Naskar and her subsequent denial by Ext.10 has no bearing with the reality.

In view of above discussion it is held that the dismissal of service of Smt. Purnima Naskar with effect from 01.12.2010 was fully justified as the management lost its confidence on her and such loss of confidence was detrimental to the discipline of the establishment and the employer, in its discretion, may invoke the power to discharge simpliciter for loss of confidence while dispensing with inquiry into the conduct of the workman. The departmental inquiry in such a case is not necessary as reported in 2019 LLR 1065.

Adjudication of Issue no.2:- What relief, if any, is she entitled to?

As per model standing order 58 is the superannuation age and as per affidavit dated 13.11.2019 the applicant was the then aged about 55 years and that being so she already crossed the superannuation age , and as such question as to reinstatement does not arise.

Learned Advocate for the applicant Purnima Naskar relied upon the case law reported in 2015 Vol. IV Supreme Court Cases 458 and also relied upon the case law reported in 2015 Vol. II Supreme Court Cases 66 and relied upon judgment reported in 1973(26)FLR359 between Workman of Firestone Tyre and rubber Company and the Management and ors wherein it is held about the power of Tribunal to interfere where punishment pronounced and thereby the Ld. Advocate for the workman urged for full backwages .

Perused the Reported case laws and the facts and circumstance of the reported case laws which do not fit with the present case and as such those judgments as relied upon by the applicant are totally inapplicable in the present context as the termination in the reported judgments were found void abinitio , but in the present case , dismissal of the workman has been held as fully justified one.

The employer, in its discretion, may invoke the power to discharge simpliciter for loss of confidence while dispensing with inquiry into the conduct of the workman. The departmental inquiry in such a case is not necessary.

Willful misconduct on the part of the applicant coupled with misleading information supplied to the authority suppressing the lesser quantum of vaccine in store, does not inspire any confidence to award any compensation to the applicant.

In the light of the above discussion, this Tribunal finds and holds that the applicant workman has failed to prove her case and her dismissal is found as justified one and the case is disposed off on contest.

Hence,

ORDERED

that the Industrial dispute under Order of reference vide G.O. No. 944-IR/IR/11L-70/12 dated Kolkata 27th September, 2012 is disposed off on contest against Howrah South Point Social Welfare & Community Development Centre but without cost and the applicant workman is not entitled to get any relief and no award can be passed on the Order of reference in the instant case in favour of the applicant workman Purnima Naskar.

Accordingly, this case is disposed off on contest and this order is to be treated as an Award of this Tribunal.

Sd/-
Judge
5th Industrial Tribunal
Kolkata

GOVERNMENT OF WEST BENGAL
DIRECTORATE OF INDUSTRIAL TRIBUNALS
NEW SECRETARIAT BUILDINGS
BLOCK – 'A', 2ND FLOOR
1, KIRAN SANKAR ROY ROAD
KOLKATA – 700001

Memo No...Dte/5th I.T/40/2025

Dated, Kolkata, the 02.12.2025

From: Shri Bibekananda Sur, Judge,
Fifth Industrial Tribunal,
Govt. of West Bengal,
New Secretariat Buildings,
Kolkata – 700 001.

To : The Secretary to the
Govt. of West Bengal,
Labour Department,
New Secretariat Buildings, 12th Floor,
1, Kiran Sankar Roy Road,
Kolkata – 700 001.

Sir,

I am sending the Award copy in PDF (Portable Document Format) format. The Award passed in the matter of an industrial dispute between M/s. Howrah South Point Social Welfare &Community Development Centre, 15, P.M. Bustee, 3rd By lane, Shibpur, Howrah -711102 and their Workman Smt. Purnima Naskar , W/o Sri Monoj Kumar Naskar , 9/10, P.K. Roychowdhury 1st by Lane , P.O – B Garden, Howrah -711103 which has been referred by Labour Department, Govt. of West Bengal vide Reference Order No. 944-IR/IR11L-70/12 dated 27.09.2012 [**Case No.VIII -47 of 2012**] for information and necessary action.

Encl: As stated above.

Yours faithfully,

Sd/-
Judge,
Fifth Industrial Tribunal,
Kolkata
02-12-2025