

I/202842/2022

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

No. Labr/ / (LC-IR)/22015(16)/441/2019 Date: 27/05/2022.

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. Labr/ 1950-IR/I.R./11L-12/97 dated 17.12.2002 the Industrial Dispute between M/s. ICI India Ltd., 34 Chowringhee Road, Kolkata - 700071 and its workman Sri Sudin Provat Mallick, 104A, Garfa Main road, Jadavpur, Kolkata - 700075 regarding the issue mentioned in the said order, being a matter specified in the Second Schedule to the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Judge, First Industrial Tribunal, West Bengal.

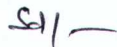
AND WHEREAS the First Industrial Tribunal, West Bengal, has submitted to the State Government its award dated 31/05/2022 on the said Industrial Dispute vide memo no. 865 - L. T. dated. 10/06/2022.

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

I/202842/2022

No. Labr/ 34/15 (LC-IR)

Date: 23/06/2022.

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

1. M/s. ICI India Ltd., 34 Chowringhee Road, Kolkata - 700071.
2. Sri Sudin Provat Mallick, 104A, Garfa Main road, Jadavpur, Kolkata - 700075.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B. New Secretariate Buildings, 1, K. S. Roy Road, 11th Floor, 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/ / (LC-IR)

Date:/2022.

Copy forwarded for information to:

1. The Judge, First Industrial Tribunal, West Bengal with reference to his Memo No. 865 - L. T. dated. 10/06/2022.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.

Joint Secretary

In the matter of an Industrial Disputes exists between ICI India Ltd., 34 Chowringhee Road, Kolkata – 700 071 and their Workman Sri Sudin Provat Mallick (Staff Code No. 3061) represented by ICI and Associated Companies' Employees' Union, Registration No. 913, 104A Garfa Main road, Jadavpur, Kolkata – 700 075.

Case No. VIII – 01/2003 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: 31.05.2022

Case No.: VIII – 01/2003

The instant case has been initiated on receipt of copy of Government Order of reference No. 1950-IR/IR/11L-12/97, dated 17.12.2002 on 08.01.2003 from the Labour Department, Government of West Bengal referring an industrial dispute between ICI India Ltd. 34 Chowringhee Road, Kolkata – 700 071 and their Workman Sri Sudin Provat Mallick (Staff Code No. 3061) represented by ICI and Associated Companies' Employees' Union, Registration No. 913, 104A Garfa Main road, Jadavpur, Kolkata – 700 075 for adjudication of the matter and submitting its award to the State Government in respect of the following issues:

- 1) *Whether the termination of service of Shri Sudin Provat Mallick (Staff Code no. 3061) with effect from 23.02.1999 is justified?*
- 2) *What relief, if any, is he entitled to?*

During the continuance of the proceeding it is revealed that M/s Akzo Nobel India Limited (for short 'ANI') is the successor in interest of ICI India Private Limited.

The Company has filed written objection in due course of time and documents of parties to the case were exchanged and record was taken up for evidence and last date was fixed for further evidence on behalf of the Company on merit.

At this stage the solemn order of Hon'ble Division Bench at Kolkata has been received from the Assistant Registrar (F.M.A.) from the High Court at Kolkata on 10.05.2022, wherein Hon'ble Division Bench have been pleased to hold with a direction upon this Tribunal stating inter-alia that Mr. Mallick filed a Writ Petition being WP No. 31941(W) of 2014 (for short "WP-1") challenging the order of this Tribunal dated 21.08.2019 in regard to the refusal to grant balance 25% of the back wages.

On the other hand the management filed a Writ Petition being WP No. 5437(W) of 2015 (for short "WP-2") challenging the said Award, dated 21.08.2019 passed by this Tribunal in regard to the reinstatement with 75% back wages after setting aside the order of termination.



Thereafter, WP-2 was clubbed along with the appeal and the Writ Petition as well as appeals were heard analogously by the Hon'ble Court and Hon'ble Division Bench of High Court at Kolkata have also been pleased to conclude that "WP No. 5437(W) of 2015 i.e. 'WP-2'" is liable to be dismissed and the pending reference being case No. VIII-01/2003 also stands disposed of in terms of this order being passed by the Hon'ble Division Bench of Kolkata High Court at Calcutta, dated 04.05.2022.

And Accordingly, as per order of the Hon'ble Division Bench of High Court at Calcutta Registrar has been pleased to communicate this order to this Tribunal to take appropriate steps in reference case No. VIII-01/2003 and consequently after following the order of Hon'ble Division Bench, High Court at Kolkata, the following order is required to be passed.

Hence it is

ORDERED

that the instant case being No. VIII-01/2003 under reference in between M/s Akzo Nobel India Ltd. previously known as ICI India Ltd., Geetanjali Apartment, First Floor, 8B Middleton Street, Kolkata – 700 071 vs Sudin Provat Mallick (Staff Code No. 3061), represented by ICI and Associated Companies' Employees' Union, Registration No. 913, 104A Garfa Main road, Jadavpur, Kolkata – 700 075, stands disposed of in pursuance of solemn direction of the Hon'ble Division Bench of High Court at Calcutta, dated 04.05.2022 in F.M.A1469 of 2019 with IA No. CAN 1 of 2019(Old No. CAN 10740 of 2019), Sudin Provat Mallick vs. First Industrial Tribunal & Ors. With WPA 5437 of 2015, M/s. Akzo Nobel India Limited vs. First Industrial Tribunal

This is my AWARD.

The AWARD be sent to the Government along with the copy of the Hon'ble Court.

Sd/-

Dictated & corrected by me.

Sd/-

(Uttam Kumar Nandy)
Judge

JUDGE
FIRST INDUSTRIAL TRIBUNAL
WEST BENGAL

(Uttam Kumar Nandy)
Judge
First Industrial Tribunal
Kolkata

JUDGE
FIRST INDUSTRIAL TRIBUNAL
WEST BENGAL

