

1/427802/2023

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

No. Labr/.761. /(LC-IR)/22015(16)/434/2018 Date: 18/08/2023

ORDER

WHEREAS an industrial dispute existed between M/s. Wockhardt Limited, 5th Floor, Atghora, New Town Road, Chinara Park, Kolkata - 700136 and Smt. Sudipta Saha (Oke), W/o Sri Biswa Bijoy Oke, Flat No. C/5A, Parvati Vihar, 52/6, V.I.P. Road, P.O. Baguihati, Kolkata - 700059 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 Seventh Industrial Tribunal specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, the Seventh Industrial Tribunal heard the parties under section 10(1B) (d) of the I.D. Act, 1947 (14 of 1947) and framed the following issue dismissal of the workman as the "issue" of the dispute.

AND WHEREAS the Seventh Industrial Tribunal has submitted to the State Government its Award dated 19/07/2023 in Case No. 08 of 2020 under section 10(1B) (d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide memo no.959-L.T. dated 26/07/2023.

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,

Sd/-
Assistant Secretary
to the Government of West Bengal

I/427802/2023

:2:

No. Labr/.761 / 1/(5)/(LC-IR)

Date: 18/08/2023

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

1. M/S. Wockhardt Limited, 5th Floor, Atghora, New Town Road, Chinara Park, Kolkata - 700136.
2. Smt. Sudipta Saha (Oke), W/o Sri Biswa Bijoy Oke, Flat No. C/5A, Parvati Vihar, 52/6, V.I.P. Road, P.O. Baguihati, Kolkata - 700059.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B., New Secretariat Building, (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.



Assistant Secretary

No. Labr/.761 / .2/(2)/(LC-IR)

Date : 18/08/2023

Copy forwarded for information to:-

1. The Judge, Seventh Industrial Tribunal, Govt. of West Bengal, N.S. Building, 1, K.S. Roy Road, Kolkata - 700001 with respect to his Memo No. 959- L.T. dated 26/07/2023.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Assistant Secretary

H.A.(IT)
18/08/2023

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18/08/2023

Before the 7th Industrial Tribunals, Kolkata

Case No. 08 of 2020

Under Section 10(1B)(d) of the Industrial Disputes Act, 1947

Present : Ms. Yogita Gaurisaria, Judge,
Seventh Industrial Tribunal, Kolkata

Smt. Sudipta Saha (Oke),
W/o Shri Biswa Bijoy Oke, Flat No. C/5A, Parvati Vihar, 52/6, V.I.P. Road, P.O. Baguihati,
Kolkata – 700 059.

Vs.

M/s. Wockhardt Limited,
Mumbai Off : Wockhardt Tower, Bandra Kurla Complex, Mumbai – 400 051 .
Kolkata Off : Premises No. 5C-1A, 5th Floor, Atghora, New Town Road, Chinara Park,
Kolkata – 700 0136.

A W A R D

DATED, 19/07/2023

Today is fixed for passing order in respect of the joint petition for compromise dated 12.07.2023 jointly filed by both the parties.

The case record is taken up for passing order.

I have heard the Ld. Advocates for the parties. Considered.

Perused the joint compromise petition; Memorandum of Settlement, both dated 12.07.2023 , as well as evidence of the applicant Smt. Sudipta Saha (Oke) (P.W.1) and Mr. Trishit Lahiri (O.P.W.1), authorized representative of M/s. Wockhardt Limited, Xerox copy of draft (Exbt.1), Xerox copy of receipt (Exbt.2), authority letter dated 07.07.2023 (Exbt.A) and memorandum of settlement dated 12.07.2023 (Exbt.B).

It appears from the evidence of P.W.1, and O.P.W.1 that the matter in dispute has already been settled in between the parties in terms of Memorandum of Settlement dated 12.07.2023 , as mentioned in the compromise petition dated 12.07.2023 . I further find from the said Memorandum of Settlement as well as from the evidence of both parties that the company handed over a demand draft being No. 504196 dated 07.07.2023 of Rs. 4,81,334/- (Four lakhs eighty one thousand three hundred thirty four only) net drawn on ICICI Bank, Kolkata B L Shah Road, Kolkata from Wockhardt Limited as per Memorandum of Settlement. to the applicant/ P.W.1 as settled amount and the applicant (P.W.1) has no grievance against the O.P./Company at present.

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(2)

The joint compromise petition and Memorandum of Settlement both dated 12.07.2023 have duly been signed by the applicant, Smt. Sudipta Saha (Oke) (P.W.1) and Mr. Trishit Lahiri (O.P.W.1) on behalf of the O.P./Company voluntarily. Since the matter has already been settled between the parties to the proceedings, I am of the view that this Tribunal should not stand in the way of their such settlement/compromise , which appears to be legal and valid, and so, this Tribunal finds no impediment in allowing such prayer , made jointly by the parties voluntarily.

Hence, it is

O r d e r e d

that the joint compromise petition dated 12.07.2023 is allowed and accordingly, the proceedings under Section 10(1B)(d) of the Industrial Disputes Act, 1947, as amended , be and the same is disposed of in terms of the Memorandum of Settlement dated 12.07.2023. The joint petition of compromise and Memorandum of Settlement, both dated 12.07.2023 , be made part of the Award.

This is my Award.

Let six (6) copies of the Award be sent to the appropriate authority for information and taking necessary action.

Dictated & corrected by me.

sd/-
Judge

sd/-
(Yogita Gaurisaria)
Judge
7th Industrial Tribunal
Kolkata
19.07.2023

