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

No. Labr/ 1156 /(LC-IR)/22015(16)/356/2018

Date: 03/12/24

Date: 03/12/24

WHEREAS an industrial dispute existed between M/s. Sanofi India Ltd., 5th Floor, Apeejay House, C Block, 15, Park Street, Kolkata - 700016, H.O.: Sanofi House, CTS No. 117-B, L & T, Business Park, Saki Vihar Road, Powai, Mumbai, Mumbai City, MH, Pin - 400072 and their workman Sri Pushpajit Jha, son of Late Kali Das Jha , 55B, Kabi Sukanta Sarani, Kolkata - 700 085, regarding the issues, being a matter specified in the second schedule to the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the parties have filed an application under section 10(1B)(d) of the Industrial Dispute Act, 1947 (14 of 1947) to the Seventh Industrial Tribunal, Kolkata specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 21.07.1997;

AND WHEREAS the said Seventh Industrial Tribunal, Kolkata has submitted to the State Government its Award dated 30.08.2024 in case No. 36/2023 under section 10(1B)(d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide e-mail dated 03.10.2024;

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, Assistant Secretary to the Government of West Bengal

No. Labr/ 11 56 /1(5)/(LC-IR)/22015(16)/356/2018

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

 M/s. Sanofi India Ltd., 5<sup>th</sup> Floor, Apeejay House, C Block, 15, Park Street, Kolkata – 700016, H.O.: Sanofi House, CTS No. 117-B, L & T, Business Park, Saki Vihar Road, Powai, Mumbai, Mumbai City, MH, Pin - 400072.

- 2. Sri Pushpajit Jha, son of Late Kali Das Jha, 55B, Kabi Sukanta Sarani, Kolkata 700 085.
- 3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
- 4. The OSD & EO 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/ 1156 (2)(3)/(LC-IR)/22015(16)/356/2024

Copy forwarded for information to :-

- 1. The Judge, Seventh Industrial Tribunal, N. S. Building, 3rd Floor, 1, K.S. Roy Road, Kolkata - 700001 with respect to his e-mail dated 03.10.2024.
- 2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.
- 3. Office Copy.

## In the 7<sup>th</sup> Industrial Tribunal, Kolkata Case No. 36/2023

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

Present: Ms. Yogita Gaurisaria, Judge,

Seventh Industrial Tribunal, Kolkata

Sri Pushpajit Jha, son of Late Kali Das Jha of 55B, Kabi Sukanta Sarani, Kolkata – 700 085

.....Applicant/workman

Vs.

M/s. Sanofi India Ltd., 5<sup>th</sup> Floor, Apeejay House, C Block, 15, Park Street, Kolkata – 700 016, H.O: Sanofi House, CTS No. 117-B, L & T, Business Park, Saki Vihar Road, Powai, Mumbai, Mumbai City, MH PIN-400 072

..... O.P./Company

# A W A R D

#### DATED, 30/08/2024

Today is fixed for passing order in respect of Memorandum of Settlement on compromise dated 28.08.2024, filed by both the parties.

The case record is taken up for passing order.

Perused the Memorandum of Settlement (Exbt. B) dated 28.08.2024, joint petition filed by the parties and petition under Section 10(1B)(d) of the Industrial Disputes Act, 1947 (as amended) as well as evidence of the applicant Sri Pushpajit Jha (P.W.1) and Mr. Koustubh Pradhan, Lead - Employee Relations & Compliances , authorized representative of the Company namely M/s. Sanofi India Ltd., (O.P.W.1), the Power of Attorney enclosed (Exbt. A) , so adduced in support of said Memorandum of Settlement (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 28.08.2024 (Exbt. B) . I further find from the said joint petition , Memorandum of Settlement as well as from the evidence of both parties that the Company has issued a demand draft being No. 899602 dated 22.08.2024 of Rs. 12,78,528/-

Contd....P/2

(Twelve lakh seventy eight thousand five hundred twenty eight) only drawn on HDFC Bank Ltd. to the applicant as full and final settlement amount and the applicant has issued a receipt of the same, marked as Exbt. B and the said demand draft was handed over to the applicant as full and final settled amount and the applicant (P.W.1) has no grievance against the O.P./Company at present. A xerox copy of the said Demand Draft of full and final settled amount was marked as Exbt. 1. An original money receipt has been filed to that effect. Considered.

The Memorandum of Settlement dated 28.08.2024 and the joint petition dated 29.08.2024 filed by the parties has duly been signed by the applicant, Sri Pushpajit Jha (P.W.1) and Mr. Koustubh Pradhan (O.P.W.1) representing 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

#### Ordered

that the settlement between the parties 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 28.08.2024. The Memorandum of Settlement dated 28.08.2024 is 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.

Judge

( Yogita Gaurisaria ) Judge 7<sup>th</sup> Industrial Tribunal Kolkata 30.08.2024 Case No. 36/2023/10(1B)(d)

Order No. 08 dated 29.08.2024

The case record is put up by way of put up petition filed by the O.P..

The applicant, Sri Pushpajit Jha is present.

The authorized representative of the O.P., Mr. Koustubh Pradhan is present.

The Ld. Advocates for the parties is present and files a joint petition along with the memorandum of settlement dated 28.08.2024 praying for passing order in terms of the Memorandum of Settlement as the dispute between the parties has been settled amicably.

The applicant, Sri Pushpajit Jha is examined and cross-examined as P.W.1.

The authorized representative of the O.P. namely Mr. Koustubh Pradhan is examined as O.P.W.1 and his cross-examination is declined.

Some documents have been marked as Exbt. 1, A and B respectively.

Fix 30.08.2024 for passing order.

Dictated & corrected by me.

Judge

Judge 7<sup>th</sup> I.T., Kolkata

## Case No. 36/2023 /10(1B)(d)

#### Order No. 09 dated 30.08.2024

Both the parties are present.

Today is fixed for passing order in view of order no. 08 dated 29.08.2024.

The award is ready and pronounced in open Tribunal and let the award in separate sheets be kept with the record.

Hence, it is

#### Ordered

that the settlement between the parties 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 28.08.2024. The Memorandum of Settlement dated 28.08.2024 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.

Judge

( Yogita Gaurisaria ) Judge 7<sup>th</sup> Industrial Tribunal Kolkata 30.08.2024 Directorate of Industrial Tribunals New Secretariat Buildings, 2<sup>nd</sup> floor 1, Kiran Sankar Roy Road <u>Kolkata-700 001</u>.

No. Dated:

From:

Ms. Yogita Gaurisaria, Judge, 7<sup>th</sup> Industrial Tribunal Govt. of West Bengal, N. S. Buildings, Kolkata-700001.

To

The Secretary to the Govt. of West Bengal, Labour Department, New Secretariat Buildings, 12<sup>th</sup> floor, Block-A, 1, Kiran Sankar Roy Road, Kolkata-700001.

Sir,

I am sending herewith 6 (six) copies of the Award passed in the matter of industrial dispute between Mrs. Champa Devi, W/O Late Bhagirath Sahani, aged about 58 years, residing at Village – Seikhdumari, P.O. Gopalpur, P.S. Nayagaon, Dist. Saran, Bihar & 5 others Vs. M/s. The Calcutta Jute Manufacturing Company Limited, 93, Narkeldanga Main Road, Kolkata – 700 054 for information and necessary action [ Case No. Case No. 47/2013 u/S 2A(2)].

Yours faithfully,

**Enclo: As stated** 

(Yogita Gaurisaria) Judge, 7<sup>th</sup> Industrial Tribunal, Kolkata Case No. 37/2023/10(1B)(d)

Order No. 08 dated 29.08.2024

The case record is put up by way of put up petition filed by the O.P..

The applicant, Sri Jb Jakir Hossain is present.

The authorized representative of the O.P., Mr. Koustubh Pradhan is present.

The Ld. Advocates for the parties is present and files a joint petition along with the memorandum of settlement dated 28.08.2024 praying for passing order in terms of the Memorandum of Settlement as the dispute between the parties has been settled amicably.

The applicant, Sri Jb Jakir Hossain is examined and cross-examined as P.W.1.

The authorized representative of the O.P. namely Mr. Koustubh Pradhan is examined as O.P.W.1 and his cross-examination is declined.

Some documents have been marked as Exbt. 1, A and B respectively.

Fix 30.08.2024 for passing order.

Dictated & corrected by me.

Judge

Judge 7<sup>th</sup> I.T., Kolkata Case No.36/2023/10(1B)(d)

Examination of O.P.W.1, Mr. Koustubh Pradhan, S/o Pravin Pradhan, C-1/101, Runwal Garden

City, Balkum Road, Thane, Maharashtra, Pin – 400 608 working for gain at M/s Sanofi India Limited

at Mumbai as Lead - Employee Relations & Compliances s/a on 29.08.2024

I am the authorised representative of the Company M/s. Sanofi India Limited. I am

working for gain at M/s Sanofi India Limited at Mumbai as Lead - Employee Relations &

Compliances. This is the xerox copy of Power of Attorney dated 29.03.2023 whereby I have been

empowered to compromise, settle etc. on behalf of the O.P./Company. The xerox copy of Power

of Attorney dated 29.03.2023 is marked as Exbt. A. The matter in between the applicant and the

Company has already been settled. Thereafter, today both the parties have filed a joint petition

of compromise along with a Memorandum of Settlement. This is the said Memorandum of

Settlement dated 28.08.2024 filed today, marked as Exbt. B and these are my signatures on

every page of the same, which I put voluntarily.

The Company has issued a demand draft being No. 899602 dated 22.08.2024 of Rs.

12,78,528/- (Twelve lakh seventy eight thousand five hundred twenty eight) only drawn on HDFC

Bank Ltd., Branch Code - 899602 to the applicant and he has issued a receipt of the same.

I pray for an award in terms of Memorandum of Settlement, filed today i.e. 28.08.2024.

**Cross-examination:** 

Declined.

(Concluded)

Dictated & corrected by me.

Judge Judge

## 7<sup>th</sup> Industrial Tribunal, Kolkata 29.08.2024

# Order No. 13 dt. 04.04.2022

Applicant is present with his Ld. Advocate.

Today is fixed for ex parte hearing of the case.

Applicant Jitesh Kanti Ghosh has tendered his affidavit inchief, so filed on 17.02.2022, on dock and examined himself in part as P.W.1. His examination is deferred on the prayer of applicant by petition.

Fix 20.05.2022 for further ex parte evidence of P.W.1.

Dictated & corrected by me.

Judge

## Case No.17/2018/2A(2)

# Order No. 32 dt. 01.04.2022

Applicant is present through his Ld. Advocate.

Both the O.P.s are absent without steps.

Today is fixed for evidence of applicant's side on merit.

At this stage, applicant files a petition praying for an adjournment on the ground stated therein.

Heard. Considered. Prayer for adjournment is allowed.

It appears from the record that in view of order no. 31 dt. 15.02.2022, no notice was issued to the O.P.s.

Issue notice to both the O.P.s in view of order no. 31 dt. 15.02.2022 at once.

Fix 13.05.2022 for evidence of applicant's side on merit/appearance of both the O.P.s/S/R of notice ( A/D cards )

Dictated & corrected by me.

Judge

Judge 7<sup>th</sup> Industrial Tribunal, Kolkata 01.04.2022

#### Case No. 16/2021/10

#### Order No. 04 dt. 01.04.2022

Applicants/Union are present through their Ld. Advocates.

Today is fixed for S/R of notice (A/D)/appearance of O.P./Company and also filing W/S.

S/R of notice (A/D Card), sent to the O.P./Company under registered post with A/D , is received after service.

O.P./Company do not appear inspite of receiving notice on 15.01.2022.

Heard Ld. Advocate for the applicants/Union, who prays for fixing a date for ex parte hearing.

Considered. Since the O.P./Company do not appear inspite of receiving notice, this Tribunal has no other alternative but to fix a date for ex parte hearing of the case.

Fix 11.05.2022 for ex parte hearing of the instant case.

Dictated & corrected by me.

Judge

## Order No. 03 dt. 01.04.2022

Applicant is present with his Ld. Advocate.

Mr. Ashis Kumar Das and Mr. Goutam Som , and another Ld. Advocates appear by filing letter of authority on behalf of O.P./M/s. Zydus Healthcare Limited.

Today is also fixed for filing W/S by the O.P./Company.

One petition has been filed praying for time to file W/S by the O.P.

Heard. Considered. Prayer for time is allowed.

Fix 12.05.2022 for filing W/S/list of documents along with documents.

Dictated & corrected by me.

Judge

Judge 7<sup>th</sup> Industrial Tribunal, Kolkata 01.04.2022

Case No. 03/2021/10

## Order No. 08 dt. 01.04.2022

Both the parties are present through their Ld. Advocates.

Today is also fixed for hearing of the petition dt. 24.02.2022, so filed by the O.P./Company.

At this stage, an adjournment has been filed on behalf of O.P./Company on the ground stated therein.

Heard. Considered. Prayer for time is allowed.

Fix 29.04.2022 for hearing of the petition dt. 24.02.2022, so filed by the O.P./Company, W/O, if any in the meantime.

Dictated & corrected by me.

Judge

#### Order No. 07 dt. 01.04.2022

Applicant Debabrata Ghosh is present with his Ld. Advocate.

O.P./Company is also present through its Ld. Advocate.

Today is also fixed for evidence of applicant's side.

At this stage, an adjournment petition has been filed on behalf of applicant on the ground stated therein.

Heard. Considered. Prayer for adjournment is allowed.

At this stage, one special leave petition along with its enclosures viz. list of documents and photocopies of some documents has been filed on behalf of O.P./Company on the ground stated therein.

Copy served.

Fix 25.04.2022 for filing W/O against the above special leave petition by the applicant, if any.

Date for evidence of applicant's side will be fixed up after disposal of present special leave petition.

Dictated & corrected by me.

Judge

## Order No. 26 dt. 01.04.2022

Both the parties are present through their Ld. Advocates.

Today is fixed for hearing of the special leave petition dt. 27.01.2020, so filed by the applicant and also hearing of application dt. 27.01.2020, so filed on behalf of O.P./Company.

At this stage, an adjournment petition has been filed on behalf of O.P./Company on the ground stated therein.

Heard. Considered. Prayer for adjournment is allowed.

Fix 12.04.2022for hearing of the special leave petition dt. 27.01.2020, so filed by the applicant.

On the submission of both the parties, hearing of application dt. 27.01.2020, so filed on behalf of O.P./Company, will be fixed after disposal of special leave petition.

Dictated & corrected by me.

Judge

## Order No. 21 dt. 01.04.2022

Applicant is present through his Ld. Representative.

Both the O.P.s are absent without steps.

Today is also fixed for hearing of the petition dt. 19.12.2019, so filed on behalf of O.P. Nos. 1 & 2.

Applicant filed W/o against the above petition on 01.12.2021.

It is now 12.27 p.m. On repeated calls, none is found present on behalf of Opposite Parties.

Accordingly, in view of order no. 20 dt. 11.02.2022, petition dt. 19.12.2019 is taken up for hearing.

Heard Ld. Representative for the applicant. Considered.

Fix 11.04.2022 for passing order in respect of petition dt. 19.12.2019 on merit.

Dictated & corrected by me.

Judge

## Order No. 75 dt. 01.04.2022

Both the parties are present through their Ld. Advocates.

Today is fixed for hearing argument of applicant's side.

At this stage, an adjournment petition has been filed on behalf of applicant on the ground stated therein.

Heard. Considered. Prayer for adjournment is allowed.

Fix 17.05.2022 for hearing argument of applicant's side.

Dictated & corrected by me.

Judge Judge

## Case No.05/2019/2A(2)

## Order No. 30 dt. 01.04.2022

Applicant Saikat Bose is present with his Ld. Advocate.

Today is fixed for passing order in respect of verified show cause petition dt. 16.02.2022, so filed by the applicant.

Perused the show cause petition along with order no. 26 dt. 10.02.2021. Cause shown is sufficient and hence, accepted.

Fix 29.04.2022 for taking steps by the applicant upon the O.P. in view of order no. 7 dt. 24.07.2019.

Dictated & corrected by me.

Judge

# Order No. 56 dt. 01.04.2022 Applicant is present through his Ld. Advocate O.P./Company is absent without steps. Today is fixed for passing necessary order in view of order no. 55 dt. 02.03.2022.

At this stage, Ld. Advocate for the applicant files a petition praying for time to file show cause by the applicant in view of order no. 53 dt. 10.12.2021.

Heard. Considered. Prayer for time is allowed.

Fix 06.05.2022 for appearance of the applicant and filing show cause.

Dictated & corrected by me.

Judge Judge

7<sup>th</sup> Industrial Tribunal, Kolkata 01.04.2022

#### Case No. 08/2A(2)/2016

## Order No. 48 dt. 14.03.2022

Both the parties are present through their Ld. Advocates.

Today is fixed for hearing of petition dt. 10.03.2021, so filed on behalf of O.P./Company.

At this stage, Ld. Advocate for the O.P./Company has not pressed the petition dt. 10.03.2021.

Accordingly, petition dt. 10.03.2021 is rejected being not pressed.

Fix 26.04.2022 for further cross-examination of P.W.1.

Dictated & corrected by me.

Judge

Judge 7<sup>th</sup> Industrial Tribunal, Kolkata 14.03.2022

Case No.13/10(1B)(d)/2016

Order No. 49 dt. 14.03.2022

Both the parties are present through their Ld. Advocates.

Today is fixed for further cross-examination of P.W.1 namely Md. Laique.

At this stage, Ld. Advocate for the applicant submits that the workman namely Md . Laique has expired and he will take necessary steps regarding substitution by the next date.

Considered. No death certificate of workman Md. Liaque has been filed.

However, considering the submission of Ld. Advocate for the applicant, hearing is adjourned for this day.

Fix 25.04.2022 for taking necessary steps by the applicant/filing death certificate of workman.

Dictated & corrected by me.

Judge

Judge 7<sup>th</sup> Industrial Tribunal, Kolkata 14.03.2022

#### Case No.06/10(1B)(d)/2017

#### Order No. 35 dt. 14.03.2022

Applicant is present through his Ld. Advocate.

O.P./Company is absent without steps.

Today is fixed for hearing of petition dt. 15.03.2021, so filed by the applicant.

It is now 11.42 a.m. On repeated calls, none is found present for the O.P./Company.

Considering the covid situation, hearing is adjourned for this day.

Fix 22.04.2022 for hearing of petition dt. 15.03.2021, so filed by the applicant.

O.P./Company is directed to remain present on the date fixed through its Ld. Advocate at 11.30 a.m., failing which the petition dt.15.03.2021 will be disposed of on merit, after hearing applicant's side

Dictated & corrected by me.

Judge

Judge 7<sup>th</sup> Industrial Tribunal, Kolkata 14.03.2022

Case No. 12/10(1B)(d)/2021

Order No. 06 dt. 14.03.2022

Applicant is present with his Ld. Advocate.

O.P./Company is absent without steps.

Today is fixed for filing list of documents by the O.P./Company and also exchange of documents by the parties.

Applicant files list of documents along with photocopies of documents and its copies also.

Fix 20.04.2022 for filing list of documents by the O.P./Company along with copies of documents.

O.P./Company is at liberty to take the copies, so filed by the applicant from the record on proper receipt.

Dictated & corrected by me.

Judge

## Order No. 35 dt. 14.03.2022

Both the parties are absent without steps.

Today is fixed for evidence of applicant's side.

It is now 11.48 a.m. On repeated calls, none is found present.

Considering covid situation, hearing is adjourned for this day.

Fix 26.04.2022 for evidence of applicant's side.

Dictated & corrected by me.

Judge

## Case No23/2A(2)/2018

## Order No. 31 dt. 14.03.2022

Applicant Smt. Papiya Roy (P.W.1) is present with her Ld. Advocate.

O.P./Company is also present through its Ld. Advocate.

Today is fixed for further cross-examination of P.W.1.

P.W.1 is further cross-examined in part and her cross-examination is deferred on the written prayer of the O.P./Company.

Fix 21.04.2022 for further cross-examination of P.W.1.

Dictated & corrected by me.

Judge

## Order No. 57 dt. 14.03.2022

Applicant is present through his Ld. Advocate.

O.P./Company is also present through its Ld. Advocate.

Today is fixed for further hearing of argument of O.P.'s side.

No time today. I am busy with hearing of other cases.

Accordingly, further hearing of argument of O.P.'s side is adjourned.

Fix 27.04.2022 for further hearing of argument of O.P.'s side.

Dictated & corrected by me.

Judge

## Case No. 25/10(1B)(d)/2015

#### Order No. 56 dt. 11.03.2022

Applicant Smt. Seema Das Pal is present with her Ld. Advocate.

O.P./Company is also present through its Ld. Advocate.

At this stage, Ld. Advocate for the applicant files a petition along with notice and postal receipt including track consignment report in order to show that he has complained the order no. 55 dt. 11.02.2022 with regard to issuance of notice to the O.P./Company. Let it be kept with the case record.

Today is fixed for further hearing of argument of applicant's side.

Case record is taken up for further hearing of argument.

Heard argument of applicant's side in part.

Considering covid situation, I am not inclined to hear argument further today.

Accordingly, hearing is adjourned for this day.

Fix 20.04.2022 for further hearing of argument of applicant's side.

At this stage, Ld. Advocate for the O.P./Company files written notes of argument after serving copy to the applicant.

Considering covid situation, applicant is also requested to file written notes of argument on the next date.

Dictated & corrected by me.

Judge