

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

No. Labr/ 183 / (LC-IR)/ 22015(16)/27/2025

Date : 10/02/25

ORDER

WHEREAS under Labour Department's Order No. 489-I.R./IR/11L-38/15 dated 25.05.2016 with reference to the Industrial Dispute between M/s. East India Spirits and Beer Distributors Pvt. Ltd., Gopalpur, P.O. Sarkarpool, P.S. Mahestala, Budge Budge Trunk Road, Dist. South 24-Parganas and their workman Sri Rajsekhar Chakraborty, H/o. Shri Rakhal Das, Vill. Nungi Chatterjee Para, P.O. Batanagar, Dist. South 24-Parganas, PIN - 700140, regarding the issues 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 Eighth Industrial Tribunal, Kolkata.

AND WHEREAS the said Eighth Industrial Tribunal, Kolkata, has submitted to the State Government its Award dated 31.01.2025 in Case No. VIII - 22/2016 on the said Industrial Dispute Vide e-mail dated 31.01.2025 in compliance of u/s 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 pleased hereby to publish the said Award in the Labour Department's official website i.e - **wblabour.gov.in**.

By order of the Governor,

  
Assistant Secretary

to the Government of West Bengal

No. Labr/ 183 / 1(5)/(LC-IR)/ 22015(16)/27/2025

Date : 10/02/25

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

1. M/s. East India Spirits and Beer Distributors Pvt. Ltd., Gopalpur, P.O. Sarkarpool, P.S. Mahestala, Budge Budge Trunk Road, Dist. South 24-Parganas.
2. Sri Rajsekhar Chakraborty, H/o. Shri Rakhal Das, Vill. Nungi Chatterjee Para, P.O. Batanagar, Dist. South 24-Parganas, PIN - 700140.
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, 11<sup>th</sup> Floor, 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/ 183 / 2(3)/(LC-IR)/ 22015(16)/27/2025

Date : 10/02/25

Copy forwarded for information to :

1. The Judge, 8<sup>th</sup> Industrial Tribunal, Kolkata, N.S. Building, 1, K.S. Roy Road, Kolkata-700001 with reference to his E-mail dated 31.01.2025.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.
3. Office Copy.

  
Assistant Secretary

In the matter of an industrial dispute between M/s. East India Spirits and Beer Distributors Pvt. Ltd., Gopalpur, P.O. Sarkarpool, P.S. Mahestala, Budge Budge Trunk Road, Dist. South 24-Parganas and their workman Sri Rajsekhar Chakraborty, H/o. Shri Rakhal Das, Vill. Nungi Chatterjee Para, P.O. Batanagar, Dist. South 24-Parganas, PIN-700 140 vide G.O. No. 489-I.R./IR/11L-38/15 dated 25.05.2016.

( Case No. VIII-22/2016 )

**Before the Eighth Industrial Tribunal: West Bengal**

**Present Sri Amit Chattopadhyay  
Judge,  
Eighth Industrial Tribunal,  
West Bengal.**

**Sri Rajsekhar Chakraborty .....Applicant / workman**

**Vs.**

**M/s. East India Spirits & Beer Distributors Pvt. Ltd. .... O.P. Company**

**A W A R D  
Dated 31.01.2025**

Received a copy of order of reference vide G. O. No. 489-I.R./IR/11L-38/15 dated 25.05.2016. from the Labour Department, Govt. of West Bengal and reference no. 3115-IR/IR/3A-6/59, dated 21/06/1960 referring an industrial dispute which exists between M/s. East India Spirits and Beer Distributors Pvt. Ltd., Gopalpur, P.O. Sarkarpool, P.S. Mahestala, Budge Budge Trunk Road, Dist. South 24-Parganas and their workman Sri Rajsekhar Chakraborty, H/o. Shri Rakhal Das, Vill. Nungi Chatterjee Para, P.O. Batanagar, Dist. South 24-Parganas, PIN-700 140 for adjudication.

**I S S U E (S)**

- 1) Whether the termination of service of Sri Rajsekhar Chakraborty by the management with effect from 01.05.2014 is justified?
- 2) To what relief, if any, the workman is entitled?

The brief facts of the case is that :-

The applicant, Rajsekhar Chakraborty was employed by the Company as a Salesman w.e.f. 13<sup>th</sup> June, 2007 without any appointment letter by was called upon to sign in the Attendance Register maintained by the Company at the Budge Budge Office.

That after about 7 (seven) years of employment as a “Salesman” the applicant was surprised to find the name deleted from the Attendance Register on 2<sup>nd</sup> May, 2014.

That the salaries earned by the Applicant were being credited to the Applicant’s Bank account with Axis Bank month by month by the Employer which however was stopped w.e.f. May, 2014.

That on 2<sup>nd</sup> May, 2014 when the Applicant found his name deleted from the attendance register he immediately called on Mr. Rajiv Mehra, the Manager of the Company and was told that his services has been terminated by the Company w.e.f. May, 2014 in exercise of power vested in the Management and the Management is not obligated to disclose reasons for the same.

That the Applicant thereafter wrote to the Company on 05.05.2014 seeking reinstatement in service with immediate effect, to which the Employer /Opposite Party declined / failed / and or neglected to respond.

That neither any authority was ever conferred upon the Workman by the employer to hire, transfer, suspend, lay-off, recall, promote, discharge, assign reward, or discipline other employees

or workmen nor was he vested with any power to direct the other employees to adjust their grievances.

That the Applicant thus lost his means of livelihood all on a sudden and was never afforded any opportunity of hearing whatsoever, far less.

In this case the Company entered appearance and submitted Written Statement denied all material facts of the Written Statement filed by the Workman.

The Company in Written Statement denied the statement made in Paragraph 2 of Written Statement filed by the workman and admit that the applicant was given employment in the company w.e.f. 01.04.2011 as a Salesman after receiving the license from the appropriate authority vide License No. 178/3/N/2010-11 before the financial year 2010-11. Before the said financial year the company under reference was no existence. The sole object to promote/increase the index of business capacity of the organization and in order to achieve the goal sufficient opportunity, freedom were provided to him from the part of the Management.

The company, in spite of financial problems for the cause of lackadaisical attitude of the applicant years together, for the principles of natural justice had issued one office memo on 21.10.2013 cautioning him to improve his sales and collection efforts with the sole object that the applicant can get a chance to come back in a changed manner and his performance would satisfy the management but it was unfortunate to state that the applicant could not mend himself and due attention was not given to uplift his performance so that the company would again viable and return to its glorious past.

In spite of all efforts given by the company the applicant failed to prove himself to be competent for the assigned job.

Under such compelling circumstances the management had no other alternatives but to remove him employment w.e.f. 01.05.2014. The said unwanted decision was taken by the management to save the industry as well as to save the remaining employees. It is required to be mentioned that the applicant was given 6(six) month for proving himself as capable of the said assigned job but unfortunately he failed to do so.

The contentions made in paragraph No. 7 are disputed and denied. It is submitted that the applicant on and from 01.05.2014 never got in touch with the appropriate authority to collect his dues in the tune of P.F., Pension Retrenchment benefit, payment of notice period etc. and due to that reason the company was in a position to pay his legitimate legal dues.

The Opposite Party herein disputes and denies the alleged statement made in Paragraph No. 8. It is submitted that the applicant had never sought "re-instatement of service with immediate effect" in the letter dated 05.05.2014 rather he wanted to know from the company the reason of termination w.e.f. 01.05.2014. Since he was terminated due to his poor performance which has been envisaged in the office memo dated 21.10.2013, therefore response from the company on the letter of the applicant dated 05.05.2014 did/does not arise and prays for rejection of the case filed by the workman and subsequently, Written Statement was amended.

To prove the case, Rajsekhar Chakraborty as an Applicant adduced evidence as P.W.1. He was cross examined by the Company.

The company submitted affidavit-in-chief by Shiv Kumar Sultania who is Director of M/s. East India Spirits & Beer Distributors Pvt. Ltd but the affidavit-in-chief was not tendered before the



Court nor he came to the Court to face the cross-examination and ultimately argument was heard as ex-parte.

Ld. Advocate for the workman submitted that although company submitted the affidavit-in-chief but the Director, Shiv Kumar Sultania did not appear before the Court to face cross-examination. He further submitted that the workman was fully cross-examined by the Company.

Therefore, the Company to demolish the case of workman. No charge sheet was filed against the workman and no charge was framed no explanation, no show cause prior to termination from service.

As per provision of 25(F), no notice under Section 25(F) was served upon the workman, no Compensation was paid under Section 25(B).

The Ld. Advocate for the workman cited following reported decisions :-

1) 2002 1 CLR S.C. 1106, 2) 1976 1 LLJ p-478, 3) 1985 Lab 1 1773, 4) 1993 (67) FLR p-111, 5) 2010 1 LLJ S.C. 841, 6) 1978 (37) FLR p-136, 7) 1983 S.C. L.C. Vol. 3 p-50 and also draws my attention to Section 10 of I.D. Act 1947 Tribunal has not trouble beyond the scope of reference.

I have gone through the above judgments and also Section 10 of I.D. Act and I am of the view that this reported judgments are applicable in this case because fact of the present case and fact of the reported judgments are more or less same.

Therefore, considering the above facts and circumstances and submission under the above discussion and considering the evidence and materials on record this Tribunal has got no other option but to hold that dismissal / termination of Rajsekhar Chakraborty from the service w.e.f. 01.05.2014 by the Management M/s. East India Spirits & Beer Distributors Pvt. Ltd is not justified and hereby cancelled / set aside.

Accordingly all the issues are disposed of.

Hence, it is

### **ORDERED**

that the dismissal of Sri Rajsekhar Chakraborty with effect from 01.05.2014 by the Management is hereby cancelled / set aside. It is further ordered that Sri Rajsekhar Chakraborty be reinstated in service with all back wages.

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

Let the necessary number of copies of this judgment and award be sent to the Secretary, to the Government of West Bengal, Labour Department, New Secretariat Building, 12<sup>th</sup> Floor, 1No. Kiran Sankar Roy Road, Kolkata-700 001.

Dictated & Corrected by me

Judge

-Sd-

(Amit Chattopadhyay)  
Judge  
Eighth Industrial Tribunal  
Kolkata  
31.01.2025

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

Memo No. Dte/8<sup>th</sup> I.T./004/2025

Dated Kolkata, the 31.01.2025

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From: Shri Amit Chattopadhyay,  
Judge,  
8<sup>th</sup> Industrial Tribunal,  
Kolkata – 1.

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

Sub: An industrial dispute between M/s. East India Spirits and  
Beer Distributors Pvt. Ltd. and their workman Sri Rajsekhar  
Chakraborty.  
**(Case No. VIII-22/2016 )**

Sir,

I am sending herewith the Award passed in the matter of an industrial dispute between M/s. East India Spirits and Beer Distributors Pvt. Ltd., Gopalpur, P.O. Sarkarpool, P.S. Mahestala, Budge Budge Trunk Road, Dist. South 24-Parganas and their workman Sri Rajsekhar Chakraborty, H/o. Shri Rakhal Das, Vill. Nungi Chatterjee Para, P.O. Batanagar, Dist. South 24-Parganas, PIN-700 140 Vide G. O. No. 489-I.R./IR/11L-38/15 dated 25.05.2016 and reference no. 3115-IR/IR/3A-6/59, dated 21/06/1960 being **Case No.VIII-22/2016 U/s. 10 of the I.D. Act, 1947** for information and necessary action.

Encl: As stated above.

Yours faithfully,

Judge,  
Eighth Industrial Tribunal,  
Kolkata  
31.01.2025