

498407/2024

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/. 273 / (LC-IR)/22015(16)/471/2019

Date: 19/03 /2024

**ORDER**

WHEREAS an industrial dispute existed between M/s. The New Cinema Kumari Talki House, Bishnupur, Bankura and their workmen represented by The New Cinema Kumari Talki House Karmachari Union, P.O. – Bishnupur, Dist. - Bankura 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 of the Industrial Dispute Act, 1947 (14 of 1947) to the Ninth Industrial Tribunal specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, the Ninth Industrial Tribunal heard the parties under section 10 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 Ninth Industrial Tribunal has submitted to the State Government its Award dated 12.03.2024 in Case No. X-05/2011 under section 10 of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide memo no.55- I.T. dated 13/03/2024.

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,

Sdt

Assistant Secretary  
to the Government of West Bengal



/498407/2024

:2:

No. Labr/. 273. .1/(5)/(LC-IR)Date: 19/03/2024

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

1. M/S. The New Cinema Kumari Talki House, Bishnupur, Bankura.
2. The Secretary, The New Cinema Kumari Talki House Karmachari Union, P.O. - Bishnupur, Dist. - Bankura.
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, (11<sup>th</sup> 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.

3n  
Assistant Secretary

No. Labr/. 273. .2/(2)/(LC-IR)Date: 19/03/2024

Copy forwarded for information to:-

1. The Judge, Ninth Industrial Tribunal, West Bengal, Durgapur, Administrative Building, City Centre, Pin - 713216 with respect to his Memo No. 55- I.T. dated 13.03.2024.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

H.A.(IT)  
20/3/24  
Dipankar  
20/03/2024  
Assistant Secretary



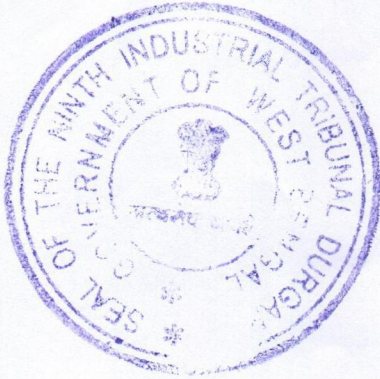
*In the matter of an Industrial dispute between Messrs The New Cinema Kumari Talki House, Bishnupur, Bankura and their workmen represented by The New Cinema Kumari Talki House Karmachari Union, P.O-Bishnupur, Dist.- Bankura.*

*Case No. X-05 / 2011 U/S 10 of the Industrial Disputes*

*Act, 1947.*

**BEFORE THE 9<sup>TH</sup> INDUSTRIAL TRIBUNAL,  
DURGAPUR, WEST BENGAL, KOLKATA.**

**PRESENT :- SHRI SUJIT KUMAR MEHROTRA,  
JUDGE, 9<sup>th</sup> INDUSTRIAL TRIBUNAL,  
DURGAPUR.**



*Ld. Advocate for the Workman: - Mr. S.K. Panda.*

*Ld. Advocate for the Employer:- Mr. Uttam Kumar Dan.*

*The award dated 12th day of March, 2024.*

*A W A R D*

*The Secretary Mr. Alok Biswas, workman namely, Narayan Dhibar, Bishnupada Das, wife of deceased employee Sukumar Das and son of the deceased employee Mathur Chandra Sen are present alongwith their ld.lawyer. The Secretary files money receipt of Rs.40,000/-.*

*Ld. lawyer Mr. Uttam Kumar Dan for the employers is also present.*

*A joint compromise petition duly signed by the Secretary of the New Cinema Kumari Talki House, Karmachari Union and ld.lawyer for the employers as well as one of the co-owner/employer is filed.*

*Compromise petition is taken up for hearing.*

*Secretary Mr. Alok Biswas of Cinema Kumari Talki House, Karmachari Union is examined and cross-examined on oath as P.W-1 and discharged.*

*Hd. ld.lawyers of both the parties, who submit that the dispute between all the workmen and all the co-owners have been settled amicably and in terms of such settlement Rs.40,000/- has been paid today to the Secretary of Cinema Kumari Talki House, Karmachari Union and the instant case be disposed of accordingly.*

*Perused the statement on oath of the Secretary as well as the entire case record.*

*Considered. It transpires from the CR that the Govt. of West Bengal through its Labour Deptt. vide reference no. 1023-IR/IR/11L-24/09 dated*

**JUDGE**  
**NINTH INDUSTRIAL TRIBUNAL DURGAPUR**  
**GOVT. OF WEST BENGAL**



14.10.2011 referred the Industrial Disputes between the parties, as mentioned herein above, for adjudication under the Industrial Disputes Act, 1947 (hereinafter referred to as Act of 1947) for adjudication.

The concerned Deputy Secretary in exercise of the power conferred by U/S 10 of the Act, 1947 referred the industrial disputes for adjudication after framing the following issues :-

- 1) Whether the closure declared by M/s The New Cinema Kumari Talki House w.e.f 23-11-2007 is real?
- 2) What relief, if any, are the workmen entitled to?

After received of the aforementioned reference order this tribunal registered the instant case U/S 10 of the Act of 1947 and put both the parties to notice by speed post and contested this case by filing their WS as well as by adducing evidence.

However, it further transpires from the Order no.104 dated 09.10.2018 that part of the industrial disputes between the workmen and some of the co-owners/employers and the Workers' Union were amicably settled and the workmen received Rs.60,000/- as per settlement.

From the oral statement of the Secretary as well as three of the employees were present today and also from the wife of one of the deceased employees and contents of the compromised petition I find that the industrial dispute has been settled amicably between the parties voluntarily and the Workers' Union do not have any other claim against any of the co-owners of the Cinema Hall/employer.

Having considered above facts and circumstances, I am of the view that there exists "no industrial disputes" between M/s The New Kumari Talki House, Bishnupur and its workmen duly represented by the New Cinema Kumari Talki House Karmachari Union.

Hence, it is,

### Ordered

That the reference under Section 10 of the Industrial Disputes Act, 1947, is disposed of as **no dispute award** between the parties but without cost. Let the compromise petition be made part of this award.

This is my award.

Send a copy of this award to the Additional Chief Secretary, Labour Department, Govt. of West Bengal for information and doing the needful from his end.

D / C by me,

Self-Sri Sujit Kumar Mahapatra  
Judge, 12.3.27,

JUDGE

NINTH INDUSTRIAL TRIBUNAL DURGAPUR  
GOVT. OF WEST BENGAL

Self-Sri Sujit Kumar Mahapatra  
Judge, 12.3.27,

9<sup>th</sup> I.T, Durgapur  
JUDGE

NINTH INDUSTRIAL TRIBUNAL DURGAPUR  
GOVT. OF WEST BENGAL



MS/2/12/24

Biswanath Das

Selvanth Das

wife of Late Sukdev  
man Das

Anita Sen S/o Late Mathur Sen  
12/03/2024

UNION REP - 12/03/24  
CARTON 11/03/24  
25/03/24 The New Cinema  
Kumar Talkies, Kumargachha  
Union, Represented by  
Hemant  
Alok Biswas 12.3.24  
S. K. Das  
12.03.24

Before the Id.9th Industrial Tribunal, West Bengal,  
at Durgapur.

Ref. Case No. X5/2015.

Petitioner : Sri Alok Biswas and 6 others.

-Vs-

O.P. : The New Cinema Kumary Talkies House.

In the matter of the compromised petition filed by  
the both the parties.

That the above mentioned case stand fixed for filing  
the compromised petition by the parties .

That today the O.P .already agreed to make payment <sup>h</sup>  
the sum of Rs. 40,000/- (forty thousand) only  
to their workmen who are /  
were the workmen of the above said Cinema Hall .

That the O.P . earlier made payment the sum of  
Rs.60,000/- (Rupees sixty thousand only ( for the  
part payment of the dues of these workmen through  
Id.Tribunal and all the workmen received .

That, today all the workmen agreed to receive their rest  
amount of Rs.40,000/- ( Rupees forty thousand ) from  
the <sup>other</sup> O.P. as their full and final settlement .

And all the workmen i.e. 7 heads of workmen agreed  
to receive the above amount i.e. total Rs. 40,000/- (forty thousand)  
from their employer as the full and final settlement of  
these workmen.

That all the workmen i.e. 7 heads received their total  
amount from their employer in two times and they  
received the same and put their respective signatures  
in the said petition, and they already agreed to receive

12 MAR 2024

contd...p/2



Seen  
Uttam Kumar Das  
Advocate  
12.03.2024

Made a part of  
this Award vide  
Order No. 168 dt. 12.3.24



১২/৩/২৪  
 Biswajit Das  
 ১/০-১০-২০২৪  
 Das.  
 Anil Das S/o Late Mahesh Das  
 12/03/2024

( 2 )

১২/৩/২৪  
 ১২/৩/২৪  
 ১২/৩/২৪  
 New Cinema Kumari  
 Tallon Karmachari  
 Union, Represented  
 by  
 Alok Biswas  
 12/3/24

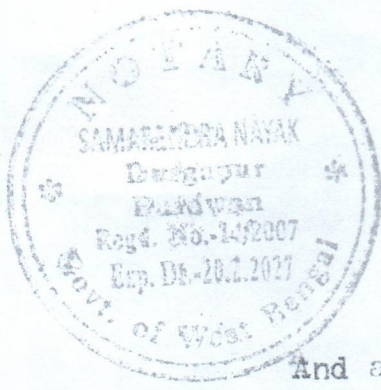
their amount as their dues for full and final settlement .  
 They have <sup>no</sup> any objection over this matter.

- 1) That employer of New Cinema Kumari Talkies are/were never run the said cinema hall.
- 2) That the said cinema hall already demolished by the natural calamity earlier.
- 3) That the workmen/ parties shall have no any further demand or any claim against the employer of the said cinema hall.

That, Mr. Alok Biswas, the secretary of the Union /of those workmen are liable and responsible for its consequences. and also regarding the full and final settlement.

In the above facts and circumstances, your parties pray before your Honor that your Honour may be pleased to accept the said compromise petition between the above mentioned parties for the ends of justice.

And also be pleased to pass an award of this case, through the compromise petition.



Sen  
 Uttam Kumar Das  
 Advocate  
 12.03.2024.

Date- 12.3.24

Alok Biswas  
 12.3.24 Durgapur

solemnly Affirmed before me by  
 Alok Biswas  
 S.K. Panda Advocate  
 on this 12 day of March 2024

Samarendra Nayak, Notary  
 Durgapur, Bardhaman Dist.

12 MAR 2024