

IN THE SEVENTH INDUSTRIAL TRIBUNAL, KOLKATA, WEST BENGAL

New Secretariat Buildings,

Kolkata

Present : Miss Yogita Gaurisaria, Judge,

Seventh Industrial Tribunal, West Bengal

Case No. 45/2014/2A(2)

**Shri Raj Kumar Rajak, Employee Code No. 0246, Plot No. 171, Sector – A,
Metropolitan Co-operative Housing Society Limited, Canal South Road, Kolkata –
700 105 Applicant/workman.**

Vs.

**M/s. Omega Elevators, 5th Floor, Rajarhat, 206 Noapara New, City Centre-II,
Kolkata – 700 157..... Opposite Party**

A W A R D

This Award delivered on Thursday, the 26th Day of December, 2024

Today is fixed for passing order in respect of Memorandum of Settlement on compromise dated 10.12.2024 and joint petition filed by both the parties.

The case record is taken up for passing order.

Perused the Memorandum of Settlement (Exbt. B) dated 10.12.2024, joint petition filed by the parties under Section 2A(2) of the Industrial Disputes Act, 1947 (as amended) as well as evidence of the applicant Shri Raj Kumar Rajak (P.W.1) and Shri Himadri Bora, Branch Manager of Guwahati and Kolkata Branch of M/s. Omega Elevators, (O.P.W.1), the xerox copy of the identity card of the O.P.W.1 issued by the O.P./Company (Exbt. A), a xerox copy of the demand draft (Exbt. 1) , 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 10.12.2024 (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 handed over a demand draft being No. 703154 dated 13.12.2024 of Rs. 2,00,000/- (Two lakh) only drawn on Kotak Mahindra Bank , Ahmedabad to the applicant as full and final compensation amount and the applicant has been reinstated in the O.P./Company on 11.12.2024 with continuity of his service without any break.

Contd.....P/2

(2)

It also appears from the Exbt. B that the P.F. and other statutory benefits of the applicant/workman shall be regularized by the O.P./Company and the applicant/workman has no grievance against the O.P./Company at present.

Considered.

The Memorandum of Settlement dated 10.12.2024 and the joint petition dated 10.12.2024 filed by both the parties has duly been signed by the applicant, Shri Raj Kumar Rajak (P.W.1) and Shri Himadri Bora (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

O r d e r e d

that the settlement between the parties is allowed and accordingly, the proceedings under Section 2A(2) of the Industrial Disputes Act, 1947, as amended, be and the same is disposed of in terms of the Memorandum of Settlement dated 10.12.2024. The Memorandum of Settlement dated 26.09.2024 is made part of the Award.

This is my Award.

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

Dictated & corrected by me.

Judge

(Yogita Gaurisaria)
Judge
7th Industrial Tribunal
Kolkata
26.12.2024

I/593920/2025

Government of West Bengal
Labour Department, I. R. Branch

N. S. Building, 12th Floor, 1, K. S. Roy Road, Kolkata – 700001

No. Labr/ 34 / (LC-IR)/22015(16)/6/2025

Date : 08/01/2023

ORDER

WHEREAS an industrial dispute existed between M/s. Omega Elevators, 5th Floor, Rajarhat, 206 Noapara New, City Centre-II, Kolkata – 700157 and their workman Shri Raj Kumar Rajak, Employee Code No. 0246, Plot No. 171, Sector – A, Metropolitan Co-operative Housing Society Limited, Canal South Road, Kolkata – 700105, regarding the issues, being a matter specified in the second schedule to the Industrial Dispute Act, 1947 (14 of 1947);


AND WHEREAS the 7th Industrial Tribunal, Kolkata has submitted to the State Government its Award dated 26.12.2024 in Case No. 45/2014/2A(2) on the said Industrial Dispute Vide e-mail dated 26.12.2024 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 as shown in the Annexure hereto.

ANNEXURE

(Attached herewith)

By order of the Governor,


Assistant Secretary

to the Government of West Bengal

No. Labr/ 34 /1(5)/(LC-IR)/ 22015(16)/6/2025

Date : 08/01/2025

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

1. M/s. Omega Elevators, 5th Floor, Rajarhat, 206 Noapara New, City Centre-II, Kolkata – 700157.
2. Shri Raj Kumar Rajak, Employee Code No. 0246, Plot No. 171, Sector – A, Metropolitan Co-operative Housing Society Limited, Canal South Road, Kolkata – 700105.
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/ 34 /2(3)/(LC-IR)/ 22015(16)/6/2025

Date : 08/01/2025

Copy forwarded for information to :-

1. The Judge, 7th Industrial Tribunal, N. S. Building, 3rd Floor, 1, K.S. Roy Road, Kolkata – 700001 with respect to his e-mail dated 26.12.2024.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata – 700001.
3. Office Copy.


Assistant Secretary