

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

No. Labr/ 381 / (LC-IR)/ 22015(16)/52/2025

Date : 03-04-2025

ORDER

WHEREAS an industrial dispute existed between 1) M/s. S.P.J. Industries Pvt. Ltd., Regd. Office – Vill. – Rasapunja, Bakhrahat Road, P.O. – Rasapunja, Via Joka, P.S. – Bishnupur, Dist. South 24 Parganas, west Bengal, Kolkata – 700104 & 2) Shri Debasis Mondal, Deputy Labour Commissioner (P), Alipore R.L.O., Office of the Deputy Labour Commissioner, Alipore, 2nd Floor, Block – IV (Northern), Behla Industrial Estate, 620, Diamond Harbour Road, Kolkata-70003, and their workman Sri Biswsanath Adhikary, S/o. Late Palan Adhikary, Vill. – Samali, P.O. – Nahagari, Via Joka, P.S. Bishnupur, Dist. South 24-Parganas, Kolkata – 700104, regarding the issues, being a matter specified in the second schedule of the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the 8th Industrial Tribunal, Kolkata has submitted to the State Government its Award dated 07.03.2025 in Case No. 13/2022/10(1B)(d) on the said Industrial Dispute Vide e-mail dated 28.03.2025 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

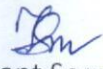
to the Government of West Bengal

No. Labr/ 381 / 1(6)/(LC-IR)/ 22015(16)/52/2025

Date : 03-04-2025

Copy forwarded for information and necessary action to :-

1. M/s. S.P.J. Industries Pvt. Ltd., Regd. Office – Vill. – Rasapunja, Bakhrahat Road, P.O. – Rasapunja, Via Joka, P.S. – Bishnupur, Dist. South 24 Parganas, west Bengal, Kolkata – 700104
2. Shri Debasis Mondal, Deputy Labour Commissioner (P), Alipore R.L.O., Office of the Deputy Labour Commissioner, Alipore, 2nd Floor, Block – IV (Northern), Behla Industrial Estate, 620, Diamond Harbour Road, Kolkata-70003.
3. Sri Biswsanath Adhikary, S/o. Late Palan Adhikary, Vill. – Samali, P.O. – Nahagari, Via Joka, P.S. Bishnupur, Dist. South 24-Parganas, Kolkata – 700104,
4. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
5. The Labour Commissioner, W.B., New Secretariat Building, 11th Floor, 1, Kiran Sankar Roy Road, Kolkata – 700001.
6. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.


Assistant Secretary


to the Government of West Bengal

No. Labr/ 381 / 2(3)/(LC-IR)/ 22015(16)/52/2025

Date : 03-04-2025

Copy forwarded for information to :-

1. The Judge, 8th Industrial Tribunal, N. S. Building, 1, K.S. Roy Road, Kolkata - 700001 with respect to his e-mail dated 28.03.2025.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.
3. Office Copy.


Assistant Secretary

to the Government of West Bengal

In the matter of an industrial filed by Sri Biswsanath Adhikary, S/o. Late Palan Adhikary, Vill. – Samali, P.O. – Nahagari, Via Joka, P.S. Bishnupur, Dist. South 24-Parganas, Kolkata – 700104 against O.P. NO. 1) M/s. S.P.J. Industries Pvt. Ltd., Regd. Office – Vill. – Rasapunja, Bakhrahat Road, P.O. – Rasapunja, Via Joka, P.S. – Bishnupur, DFist. South 24 Parganas, west Bengal, Kolkata – 700104 & O.P. No. 2) Shri Debasis Mondal, Deputy Labour Commissioner (P), Alipore R.L.O., Office of the Deputy Labour Commissioner, Alipore, 2nd Floor, Block – IV (Northern), Behala Industrial Estate, 620, Diamond Harbour Road, Kolkata – 70003.

Case No. 13/2022/10(1B)(d) of the Industrial Disputes Act, 1947

**Present : Sri Bibekananda Sur,
Judge, 5th Industrial Tribunal, Kolkata
In charge of 8th Industrial Tribunal, Kolkata**

A W A R D D A T E D , 07/03/2025

An industrial dispute between O.P. No. 1) M/s. S.P.J. Industries Pvt. Ltd., Regd. Office – Vill. – Rasapunja, Bakhrahat Road, P.O. – Rasapunja, Via Joka, P.S. – Bishnupur, DFist. South 24 Parganas, west Bengal, Kolkata – 700104 & O.P. No. 2) Shri Debasis Mondal, Deputy Labour Commissioner (P), Alipore R.L.O., Office of the Deputy Labour Commissioner, Alipore, 2nd Floor, Block – IV (Northern), Behla Industrial Estate, 620, Diamond Harbour Road, Kolkata – 70003 and the applicant Sri Biswsanath Adhikary, S/o. Late Palan Adhikary, Vill. – Samali, P.O. – Nahagari, Via Joka, P.S. Bishnupur, Dist. South 24-Parganas, Kolkata – 700104 has been initiated due to an application filed by Sri Biswsanath Adhikary U/s. 10(1B)(d) of the Industrial Disputes Act, 1947 against O.P. No. 1) M/s. S.P.J. Industries Pvt. Ltd and .P. No. 2) Shri Debasis Mondal, Deputy Labour Commissioner (P), Alipore R.L.O. as stated above. On the basis of both the written statements this Tribunal has framed the following issues on 02.09.2024 for the purpose of adjudication of the case.

I S S U E (S)

- (1) Whether the instant case is maintainable in law or not?
- (2) Whether the present case is maintainable in law in the absence of termination of service by the Company?
- (3) Whether the matter assumes the character of an Industrial Dispute under Section 2(k) of the Industrial Disputes Act, 1947?

- (4) Whether the termination of Biswanath Adhikari was discriminatory or biased, considering that other workers were allowed to continue their duties?
- (5) Whether M/s. S.P.J. Industries Private Limited is liable to compensate Biswanath Adhikari for the financial and emotional distress caused by his sudden and allegedly unfair termination?

The present case arose out of the application of the workman Shri Biswanath Adhikary in an industrial dispute case under Memo No. 372/RLO/APR dated 18.11.2021.

The workman Biswanath Adhikary, Turner, Leathman, Machine Shop Department, being a permanent workman raised dispute for reinstatement with back wages / salary since 08.08.2020 for dismissal by the Management of the Company and thereafter the workman filed an application in Form 'A' reference for further adjudication before the Industrial Tribunal at Kolkata, after obtaining the Certificate from the Conciliation Officer.

The Management contested the claim of the workman to the effect that the workman Sri Biswanth Adhikary was appointed as Turner in the factory of the company and after the on slot of Covid 19 the workman stopped attending the company and there was apathy in his duty. The management of the company after receiving the conciliation memo, attended the office and apprised the Conciliation Officer verbally with the entire facts in as much as the intention of the management to pay him legal dues and in the meantime Sri Biswanath Adhikary approached the Labour Department under Section 10(1B)(d) of Industrial Dispute Act and the said case was registered as 13 of 2022 under Section 10(1B)(d) of the Industrial Dispute Act and during pendency of the said dispute workman adduced evidence and relied upon documents and during course of adjudication the matter got amicably settled by and between the parties.

Originally the case record is fixed for negotiation for settlement and both the parties filed a joint petition and submitted that both the parties have agreed among themselves to settle the disputes and to that effect they filed a memorandum of settlement dated 07.01.2025 before this Tribunal to settle the matter by and between

the parties at a sum of Rs. 3,20,000/- to be paid in two equal installments of Rs. 1,60,000/- and the first installment was by demand draft and the second installment agreed to be paid by a post dated cheque of 20th February, 2025 and thereby full and final settlement has been attempted to be arrived at.

The workman adduced evidence and he has been partly cross examined by the OP Company.

The memorandum of settlement duly signed by both the parties supported by verification and also prayed for disposal of the case as per terms and conditions of the Memorandum of Settlement. The Management submitted that the payment of Rs.3,20,000/- has been paid for full and final settlement of the claim of the workman.

Both the parties were present alongwith their Ld. Advocates and Ld. Advocate for **S.P.J. INDUSTRIES LIMITED** and the workman submitted that they have no objection if the instant case is disposed of on the basis of the terms and conditions of the Memorandum of Settlement dated 07.01.2025.

Both the Ld. Advocates of the parties jointly submitted that the dispute between the parties in the present case has been amicably settled out of Tribunal and to that effect a memorandum of settlement dated 07.01.2025 has been prepared by both the parties and the parties also finalized their disputes in terms of the memorandum of the settlement.

In view of the above facts and circumstances both the parties prayed for disposal of the case in terms of memorandum of settlement dated 07.01.2025.

In support of their contention the workman Biswanath Adhikary examined himself as PW-1, who is the workman of **S.P.J. INDUSTRIES LIMITED** and the I.D. Card, ESI Card, Salary Slip, P.S. Statement, Written Statement dated 17.08.2020 and 24.09.2020, Conciliation Notice, Demand of Justice letter dated 02.12.2020, Demand of Justice Letter dated 03.12.2020, Conciliation Notice dated 24.09.2020, Reference Form 'A' dated 06.12.2021, Reference Certificate dated 06.12.2021 have been respectively marked as Exhibit-1, Exhibit-2, Exhibit-3 , Exhibit-4, Exhibit-5, Exhibit-6, Exhibit-7, Exhibit-8, Exhibit-9, Exhibit-10, Exhibit-11 and Exhibit-12.

The Ld. Advocate for the workman submitted that the payment has been made but the award should be passed in presence of the workman.

The material on record reflects that the parties intended to settle the matter amicably and **S.P.J. INDUSTRIES LIMITED** has no objection if the present case is disposed off as per terms and conditions of the settlement petition and practically the management of **S.P.J. INDUSTRIES LIMITED** also prayed for disposal of the case on the basis of the terms and condition of the settlement petition dated 07.01.2025.

This Tribunal has carefully examined the terms and condition of the memorandum of settlement and also has scrutinized the signatures appeared in the memorandum of settlement by both the parties.

It reveals that the management of **S.P.J. INDUSTRIES LIMITED** duly authorized signed the Memorandum of settlement for the Company and accordingly the authorized signatory representing the Company and the workman signed the settlement for full and final payment against all claims of the workman at a sum of Rs.3,20,000/- and the said amount already paid in two installments and thereby the matter has been settled full and finally.

Having regard to the facts and circumstances and considering the materials on records and the terms of the settlement, this Tribunal is of the opinion that the terms and conditions of the settlement dated 07.01.2025 by and between the parties of this case are legally valid and proper.

There is no legal impediment to accept the terms and condition of the settlement and to dispose of the case between the parties, as the workman appeared before this Tribunal with his Ld. Advocate and endorsed it in vernacular that he has received the

entire money covered under the terms of settlement and he has no dues. Accordingly, the award should be passed.

Hence,

ORDERED

that the application dated 07.01.2025, filed by both the parties are allowed in presence of the advocates of the parties.

Accordingly the terms of the memorandum of settlement dated 07.01.2025 is accepted and the said memorandum of settlement be made part of this award. This is the Award of this Tribunal and is signed today viz. 07.03.2025.

Dictated & corrected by me.

Judge

Judge
5th Industrial Tribunal,
Kolkata

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

Memo No. Dte/8th I.T./012/2025

Dated Kolkata, the 08.03.2025

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From: Shri Bibekananda Sur,
Judge,
5th Industrial Tribunal &
I/c. of 8th Industrial Tribunal,
Kolkata – 1.

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

Sub: An industrial dispute between O.P. NO. 1) M/s. S.P.J. Industries Pvt. Ltd. **O.P. No. 2)** Shri Debasis Mondal, Deputy Labour Commissioner (P) & its workman Sri Biswanath Adhikari (**Case No. VIII – 13 of 2022 U/s. 10(1B)(d)**) of the I.D. Act.

Sir,

I am sending herewith the Award passed in the matter of an industrial dispute between O.P. NO. 1) M/s. S.P.J. Industries Pvt. Ltd., Regd. Office – Vill. – Rasapunja, Bakhrahat Road, P.O. – Rasapunja, Via Joka, P.S. – Bishnupur, DFist. South 24 Parganas, west Bengal, Kolkata – 700104 & O.P. No. 2) Shri Debasis Mondal, Deputy Labour Commissioner (P), Alipore R.L.O., Office of the Deputy Labour Commissioner, Alipore, 2nd Floor, Block – IV (Northern), Behala Industrial Estate, 620, Diamond Harbour Road, Kolkata – 700034 and its workman Sri Biswanath Adhikari, S/o. Late Palan Adhikary, Vill. – Samali, P.O. – Nahagari, Via Joka, P.S. Bishnupur, Dist. South 24-Parganas, Kolkata - 700104 being case No. VIII-13/2022 U/s. 10(1B)(d) of the I.D. Act for information and necessary action.

Encl: As stated above.

Yours faithfully,

(Bibekananda Sur)
Judge,
Fifth Industrial Tribunal & I/c. of
Eighth Industrial Tribunal,
Kolkata
08.03.2025

