

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

No. Labr./ 386 /(LC-IR)/11L-08/2015

Date : 22.04.2024

ORDER

WHEREAS an industrial dispute existed between M/s Paradise Cinema, 39, Bentick Street, Kolkata - 700069 and its workman Shri Diwakar Singh, S/o Amar Bahadur Singh, 39, Bentick Street, Kolkata - 700069 regarding the issues being a matter specified in the second schedule of the Industrial Dispute act, 1947 (14of 1947);

AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute act, 1947 (14of 1947) to the Seventh Industrial Tribunal specified for this purpose under this Department Notification No. 101- IR dated 2.2.12;

AND WHEREAS the said Seventh Industrial Tribunal has submitted to the State Government its Award dated 20.03.2024 in Case No. 09/2022 on the said Dispute vide Memo No. Dte/7th IT/045/2024 dated 05.04.2024.

NOW, THEREFORE, in pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Governor is pleased hereby to publish the said Order as shown in the Annexure hereto.

ANNEXURE

(Attached herewith)

By order of the Governor,



Assistant Secretary
to the Government of West Bengal

No. Labr/ 386 /1(2)/(LC-IR)

Date : 22.04.2024

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal, N.S. Building, 3rd Floor, 1, K.S. Roy Road, Kolkata - 700001 with reference to his Memo No. Dte/7th IT/045/2024 dated 05.04.2024.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.



Assistant Secretary

No. Labr/ 386 /2(5)/(LC-IR)

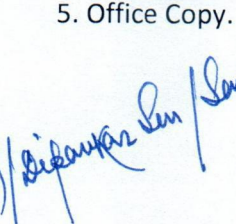
Date : 22.04.2024

Copy with a copy of the Order is forwarded for information & necessary action to:

1. M/s Paradise Cinema, 39, Bentick Street, Kolkata - 700069.
2. Shri Diwakar Singh, S/o Amar Bahadur Singh, 39, Bentick Street, Kolkata - 700069.
3. The O.S.D. & E.O. Labour Commissioner, W.B., New Secretariat Building (11th Floor), 1, Kiran Sankar Roy Road, Kolkata – 700001.
- ✓ 4. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.
5. Office Copy.



Assistant Secretary

H.A.(IT) /  / Sandeep (SSP)

Before the 7th Industrial Tribunals, Kolkata

Case No. 09/2022

Under Section 2A(2) of the Industrial Disputes Act, 1947

Present : Ms. Yogita Gaurisaria, Judge,
Seventh Industrial Tribunal, Kolkata

Sri Diwakar Singh, son of Amar Bahadur Singh,

39, Bentick Street, Kolkata – 700 069

..... Applicant/workman

Vs.

M/s. Paradise Cinema., 39, Bentick Street, Kolkata – 700 069

..... O.P./Company

A W A R D

DATED, 20/03/2024

Today is fixed for passing order in respect of Memorandum of Settlement on

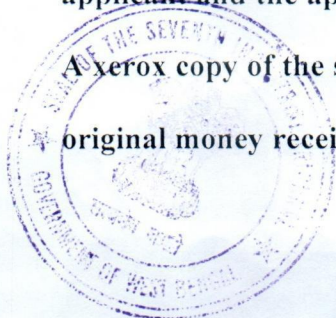
Compromise dated 07.03.2024, filed by both the parties.

The case record is taken up for passing order.

Perused the Memorandum of Settlement (Exbt. B) dated 07.03.2024 , petition Under Section 2A(2) of the Industrial Disputes Act, 1947 (as amended) as well as evidence of the applicant Sri Diwakar Singh (P.W.1) and Mr. Debashish Dey (O.P.W.1), authorized representative of the Company namely M/s. Paradise Cinema so adduced in support of said Memorandum of Settlement and also Exbt. A (authorization letter dated 20.12.2022).

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 07.03.2024 (Exbt. B) , I further find from the said Memorandum of Settlement as well as from the evidence of both parties that the Company has issued a cheque in favour of applicant, Sri Diwakar Singh being No. 000568 dated 28.02.2024 drawn on HDFC Bank, Bhulabhai Desai Road, Mumbai Branch, Mumbai - 400026 of Rs. 1,95,000/- (One lakh ninety five thousand) only and handed over the same to the applicant as full and final settled amount and the said cheque has already been credited to the Bank Account of the applicant and the applicant (P.W.1) has no grievance against the O.P./Company at present. A xerox copy of the said cheque of full and final settled amount was marked as Exbt. 1. An original money receipt has been filed to that effect (Exbt. C). Considered.

Contd.....P/2



(2)

The Memorandum of Settlement filed by the parties dated 07.03.2024 have duly been signed by the applicant, Sri Diwakar Singh (P.W.1) and Mr. Debashish Dey (O.P.W.1) representing on behalf of 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 07.03.2024. The Memorandum of Settlement dated 07.03.2024 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.

Yogita Gaurisaria
Judge

Yogita Gaurisaria
(Yogita Gaurisaria)
Judge
7th Industrial Tribunal
Kolkata
20.03.2024

Judge
Seventh Industrial Tribunal

