

**In the matter of – An Industrial Dispute exists between Sri Nimish Saraf, C.E.O., M/s. Alliance Commercial Transport, 32, J.L. Nehru Road, Om Towers, 10<sup>th</sup> Floor, Suit # 1006, Kolkata – 700071 And Their Workman Sri Dilip Kumar Rai, 184, Shibpur Road, P.S. Shibpur, Howrah – 711 102.**

**( Order of Reference being G.O. No. Labr/1686/LC-IR)/22015(11)/1/2020 )**

**Dated 27.11.2020 u/sec. 10(2A) of Industrial Disputes Act, 1947)**

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**IN THE SEVENTH INDUSTRIAL TRIBUNAL, WEST BENGAL**

**New Secretariat Buildings,**

**Kolkata**

**Present : Miss Yogita Gaurisaria, Judge,**

**Seventh Industrial Tribunal, West Bengal**

**Case No. 15/2020/10**

**This Award delivered on Tuesday, the 24<sup>th</sup> Day of December, 2024**

**A W A R D**

**Today is fixed for passing order in respect of Memorandum of Settlement on compromise dated 18.12.2024 , filed jointly by both the parties.**

**The case record is taken up for passing order.**

**Perused the Memorandum of Settlement (Exbt. A) dated 18.12.2024, joint petition filed by the parties and order of reference of Labour Department, Govt. of West Bengal under Section 10 of the Industrial Disputes Act, 1947 ( as amended) as well as evidence of the applicant Sri Dilip Kumar Rai (P.W.1) and Sri Nimish Saraf, C.E.O of M/s. Alliance Commercial Transport (O.P.W.1), so adduced in support of said Memorandum of Settlement ( Exbt. A) .**

**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 18.12.2024 (Exbt. A) . 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. 520205 dated 17.12.2024 of Rs. 1,50,000/- (One lakh fifty thousand ) only drawn on ICICI Bank Limited to the applicant as full and final settlement amount and the applicant has issued a receipt of the same, marked as Exbt. 2**

**Contd.....P/2**

(2)

and also that the applicant (P.W.1) has no grievance against the O.P./Company at present. A xerox copy of the said Demand Draft of full and final settled amount has been marked as Exbt. 1. A xerox copy of money receipt has been filed to that effect, marked as Exbt.2 . Considered.

The Memorandum of Settlement dated 18.12.2024 and the joint petition dated 18.12.2024 filed by both the parties has duly been signed by the applicant, Sri Dilip Kumar Rai (P.W.1) and Sri Nimish Saraf (O.P.W.1), CEO 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 10 of the Industrial Disputes Act, 1947, as amended , be and the same is disposed of in terms of the Memorandum of Settlement dated 18.12.2024. The Memorandum of Settlement dated 18.12.2024 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  
7<sup>th</sup> Industrial Tribunal  
Kolkata  
24.12.2024

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/ 68 /LC-IR)/22015(11)/1/2025

Date : 15/01/2025

ORDER

WHEREAS under reference of Labour Department's Order No. Labr/1686/LC-IR)/22015(11)/1/2020 dated 27.11.2020 reference of the Industrial Dispute between Sri Nimish Saraf, C.E.O., M/s. Alliance Commercial Transport, 32, J.L. Nehru Road, Om Towers, 10<sup>th</sup> Floor, Suit # 1006, Kolkata – 700071 and their workman Sri Dilip Kumar Rai, 184, Shibpur Road, P.S. Shibpur, Howrah – 711102, 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 Seventh Industrial Tribunal, Kolkata.

AND WHEREAS the said Seventh Industrial Tribunal, Kolkata, has submitted to the State Government its Memorandum of Settlement Award dated 24.12.2024 in Case No. 15/2020/10 on the said Industrial Dispute vide e-mail dated 10.01.2025 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 as shown in the Annexure hereto.

ANNEXURE

(Attached herewith)

By order of the Governor,

  
Assistant Secretary


to the Government of West Bengal

No. Labr/ 68 /1(5)/(LC-IR)/ 22015(11)/1/2025

Date : 15/01/2025

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

1. Shri Nimish Saraf, C.E.O., M/s. Alliance Commercial Transport, 32, J.L. Nehru Road, Om Towers, 10<sup>th</sup> Floor, Suit # 1006, Kolkata – 700071.
2. Shri Dilip Kumar Rai, 184, Shibpur Road, P.S. Shibpur, Howrah – 711102.
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/ 68 /2(3)/(LC-IR)/ 22015(11)/1/2025

Date : 15/01/2025

Copy forwarded for information to :

1. The Judge, 7<sup>th</sup> Industrial Tribunal, Kolkata, N.S. Building, 2nd Floor, 1, K.S. Roy Road, Kolkata-700001 with reference to his E-mail dated 10.01.2025.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.
3. Office Copy.

  
Assistant Secretary