

In the matter of an Industrial Dispute between M/s. IBM., Kolkata, Tower C, DLF-1, New Town, Rajarhat, Kolkata - 700156 and their workman Shri Mithun Sharma, Sinchan Housing, Taki Road, Barasat, Kolkata-700124.

[Case No. 03 of 2019 u/s 10(1B)(d)]

BEFORE THE FIRST INDUSTRIAL TRIBUNAL: WEST BENGAL

P R E S E N T

SHRI NANDAN DEB BARMAN, JUDGE

Fourth Industrial Tribunal
& in-charge of First Industrial Tribunal
Kolkata.

A W A R D

Dated: 20th December, 2024.

The record is put up today on the basis of a put up petition along with a joint petition of settlement and a Memorandum of Settlement praying for disposal of this case in terms of the said Memorandum of Settlement.

This First Industrial Tribunal is lying vacant since 02.01.2024 due to non appointment of any Regular Presiding Officer.

Learned Judge, Fourth Industrial Tribunal is in charge of First Industrial Tribunal and is ready for regular hearing of the cases in view of the Labour Department's Notification dated 19.11.2024.

The workman himself is present along with his Representative Ld. Counsel.

The Representative of the OP/Company is present along with Ld. Counsel.

The Workman, Sri Mithun Sharma is accordingly examined as PW-1 and discharged.

Having heard the submissions of the both sides Ld. Counsel and on perusal of their joint petition and the aforesaid Memorandum of Settlement coupled with the evidence of the workman, Sri Mithun Sharma admittedly it appears that as regarded the dispute between the parties a settlement has arrived at between them resulting which the aforesaid Memorandum of Settlement executed by them by putting their signatures.

The workman in his evidence admitted that in terms of their Memorandum of Settlement he has got a draft of Rs. 2,30,000/- (Rupees two lakh thirty thousand) only today from the OP/Company namely M/s IBM.

Having considered the facts and circumstances when it appears that the terms and conditions as embodied in the Memorandum of Settlement are valid, legal and satisfactory then the same is accepted, and I find nothing convincing to stand in the way of the prayer of both parties regarding passing of Award in terms of the said Memorandum of amicable settlement of dispute.

The Memorandum of Settlement is considered and accepted being genuine one and voluntary without any provocation, undue influence or coercion from any corner.

After hearing both sides it is

A W A R D E D

In pursuance of the observations made above, the instant case No. **03 of 2019 u/s 10(1B)(d)** is disposed of on the basis of Memorandum of Settlement dated 20.12.2024 and considering all aspects and having heard the Ld. Counsel for the Company and the Workman himself the prayer made in Memorandum of Settlement is allowed and AWARD accordingly is being passed on the basis of terms and conditions of the said Memorandum of Settlement, which be made part of this AWARD.

Thus the instant case is disposed of.

This is my AWARD.

The AWARD be sent online in PDF form to the Secretary, Labour Department, Government of West Bengal through their dedicated e-mail in terms of their Notification.

Dictated & Corrected by me

Sd/-

Judge

Sd/-

Judge

Fourth Industrial Tribunal
& i/c of First Industrial Tribunal,
Kolkata.
20.12.2024

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

No. Labr/ 75 / (LC-IR)/22015(16)/9/2025

Date : 15/01/2025

ORDER

WHEREAS an industrial dispute existed between M/s. IBM., Kolkata, Tower C, DLF-1, New Town, Rajarhat, Kolkata - 700156 and their workman Shri Mithun Sharma, Sinchan Housing, Taki Road, Barasat, Kolkata - 700124, regarding the issues, being a matter specified in the second schedule to the Industrial Dispute Act, 1947 (14 of 1947);


AND WHEREAS the 1st Industrial Tribunal, Kolkata has submitted to the State Government its Memorandum of Settlement Award dated 20.12.2024 in Case No. 03 of 2019 on the said Industrial Dispute Vide e-mail dated 23.12.2024 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/ 75 /1(5)/(LC-IR)/ 22015(16)/9/2025

Date : 15/01/2025

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

1. M/s. IBM., Kolkata, Tower C, DLF-1, New Town, Rajarhat, Kolkata - 700156.
2. Shri Mithun Sharma, Sinchan Housing, Taki Road, Barasat, Kolkata - 700124.
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/ 75 /2(3)/(LC-IR)/ 22015(16)/9/2025

Date : 15/01/2025

Copy forwarded for information to :-

1. The Judge, 1st Industrial Tribunal, N. S. Building, 1, K.S. Roy Road, Kolkata - 700001 with respect to his e-mail dated 23.12.2024.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.
3. Office Copy.


Assistant Secretary