

219480/2022

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/.....(LC-IR)/22015(16)/44/2022

Date: 13/09/2022

ORDER

WHEREAS an industrial dispute existed between M/s. Southern Cooling Towers Pvt. Ltd., Janal Complex (Gate No. 03), P.O. Begri (4<sup>th</sup> Left Lane), Distt. – Howrah - 711411 and Sri Sujoy Rana, S/o. Lt. Sankar Rana, 37, Sardar Baksi Lane (1<sup>st</sup> Floor), Distt. – Howrah - 711101 regarding the issue, being a matter specified in the Second schedule to the Industrial Dispute Act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application under section 10(1B) (d) of the Industrial Dispute Act, 1947 (14 of 1947) to the Second Industrial Tribunal specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, the Second Industrial Tribunal heard the parties under section 10(1b) (d) of the I.D. Act, 1947 (14 of 1947) and framed the following issue dismissal of the workman as the "issue" of the dispute.

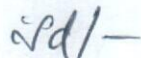
AND WHEREAS the Second Industrial Tribunal has submitted to the State Government its Award dated 31/08/2022 under section 10(1B) (d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide memo no. 1369 – L. T. dated 02/09/2022.

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,



Joint Secretary  
to the Government of West Bengal

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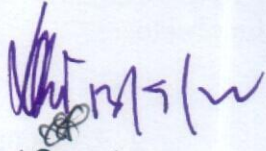
: 2 :

No. Labr/.....1/(5)(LC-IR)

Date :.....13/09/2022

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

1. M/s. Southern Cooling Towers Pvt. Ltd., Janal Complex (Gate No. 03), P.O. Begri (4<sup>th</sup> Left Lane), Distt. – Howrah - 711411.
2. Sri Sujoy Rana, S/o. Lt. Sankar Rana, 37, Sardar Baksi Lane (1<sup>st</sup> Floor), Distt. – Howrah - 711101.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B., New Secretariat Building, (11<sup>th</sup> Floor), 1, Kiran Sankar Roy Road, Kolkata – 700001.
- ✓ 5. The Sr. Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.

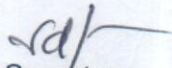
  
 Joint Secretary

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

Date :.....13/09/2022

Copy forwarded for information to:-

1. The Judge, Second Industrial Tribunal West Bengal, with respect to his Memo No. 1369 – L. T. dated 02/09/2022.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata – 700001.

  
 Joint Secretary

**Before the Second Industrial Tribunal, Kolkata**

**Present : Shri Partha Sarathi Mukhopadhyay, Judge**  
**2<sup>nd</sup> Industrial Tribunal, Kolkata**

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Case No. 29 of 2022

**Under Section 10(1B)(d) of The Industrial Disputes Act, 1947**

**Sri Sujoy Rana- - - - -Applicant**

S/o Lt. Sankar Rana, 37, Sadar Bakshi Lane (1<sup>st</sup> Floor), Distt.-Howrah-711101.

-Vs-

**M/s. Southern Cooling Towers Pvt. Ltd.- - - - -Opposite Party**

Jalan Complex (Gate No.03), P.O. Begri (4<sup>th</sup> left lane), Distt.-Howrah-711411.

Dated, 31.08.2022

**J U D G E M E N T**

The case of the petitioner as per his written statement is that on 13.08.2008 as per the appointment letter of the O.P. company he joined in the Head Office of the O.P. company for the post of Engineer (Technical Services) on a probation for six months and thereafter being satisfied with his work, the O.P. company confirmed his service on 01.02.2009 and his salary was enhanced and since then he had been working sincerely, diligently and honestly without any black spot in his service record and then on 20.08.19 he went to join his duty in the factory premises of the O.P. company but the Senior Manager of the O.P. company refused him to join and the said Manager declared that his permanent service was no longer required and in this way his service was discontinued since 20.08.19.

The petitioner further submits that thereafter by a series of letters sent by speed post and email to the O.P. company, he wanted to know from them about the reasons of termination of his permanent service by way of refusal and he also personally met them but the O.P. company remained silent and then he asked the O.P. company to withdraw the said order of termination by way of refusal and reinstate him in his former service but the O.P. company remained silent and at the time of termination of his service on 20.08.19, no chargesheet was submitted against him by the O.P. company and no termination letter was issued to him and no domestic enquiry was held against him and no retrenchment compensation and notice to pay was sent to him and thereafter he raised one industrial dispute on 23.10.19 before the Joint Labour Commissioner, Howrah but the O.P. company did not attend the said office and the matter was not settled and then he has filed this case before this Tribunal with the prayer as mentioned in the written statement.

Record shows that after filing of this case notice was sent to the O.P. company by registered post with A/D but the said registered envelop returned to this Tribunal with the postal endorsement **"Door lock - not claim"**.

As the O.P. company refused to accept the summons sent by the registered post with A/D and did not appear in this case, the case was fixed for exparte hearing and thereafter the petitioner has examined himself as the PW-I and he has proved some documents and then argument was heard exparte from the petitioner.

The petitioner has filed one affidavit in chief and in his affidavit he has mentioned all the incidents as mentioned in his written statement and he has proved his appointment letter issued by the O.P. company as Exbt.3, the confirmation letter issued by the O.P. company as Exbt.4 and he has also proved letters sent by him to the O.P. company by email and registered post with A/D as Exbt.5 and Exbt.6 and by these letters he demanded the termination documents and arrear of dues from the O.P. company and the track report (Exbt.6) also mentions that the O.P. company received the said letter of the petitioner and he has also proved another letter along with track report sent by him to the O.P. company demanding the termination documents and arrear dues as Exbt.7 and he has also proved his letter sent by him to the Deputy Labour Commissioner, Howrah as Exbt.8 and he has also proved one letter sent by the Deputy Labour Commissioner, Howrah to him as Exbt.9 and he has proved one certificate from the Deputy Labour Commissioner, Howrah as Exbt.11 and he has proved one letter issued by the O.P. company regarding his monthly salary as Exbt.12.

The O.P. company has not contested this case though summon was sent to it and the O.P. company refused to accept the said notice and the Exbt.5, the Exbt.6 and the Exbt.7 also show that the petitioner demanded the termination papers and arrears of dues from the O.P. company but the O.P. company remained silent. The O.P. company has not contested this case to show that for any offence made by the

petitioner, domestic enquiry was held against him and then he was dismissed from service, and the termination letter was also not sent to him.

Admittedly the petitioner was a permanent staff under the O.P. company and he used to get Rs. 17,500/- as salary per month from the O.P. company and from the conduct of the O.P. company it is proved that without any reason the O.P. company has terminated his service illegally and whimsically by way of refusal on 20.08.19.

So considering the unchallenged entire materials on record, I hold that the petitioner has been able to prove his case and he is entitled to get relief as prayed for and he is also entitled to get heavy cost from the O.P. company as the O.P. company has been harassing him without any reason from 20.8.19 and even the O.P. company refused to accept the summon sent by this Tribunal.

Hence, it is

### **ORDERED**

that the Case No. 29 of 2022 under Section 10(1B(d) of The Industrial Disputes Act, 1947 is allowed exparte against the O.P. company with a cost of Rs. 1 lakh [one lakh].

It is hereby declared that the order of termination by way of refusal of employment of the petitioner by the O.P. company from 20.8.19 is unjustified, invalid, illegal and unlawful.

The O.P. company is directed to reinstate the petitioner immediately in his former service in the previous salary after getting information from the petitioner and pay the arrear of entire dues according to the salary of the petitioner with the consequential reliefs since the month of August, 2019 till reinstatement with compound interest of 10% p.a. on the entire arrear of dues during the above mentioned period.

The petitioner is directed to send copy of this Award to the O.P. company personally and by speed post with A/D immediately for information of the O.P. company.


Let this judgement and order be treated as an Award.

According to Section 17AA of The Industrial Disputes Act, 1947, let a certified copy of this Award be sent to the Principal Secretary to the Government of West Bengal, Labour Department, New Secretariat Buildings, 1, K.S. Roy Road, Kolkata 700 001 for information, and let a certified copy of this Award be supplied to each of both the parties of this case free of cost forthwith for information.

The case is disposed of today.

Dictated & corrected by me.

  
Judge

  
(P.S. Mukhopadhyay)  
Judge  
2nd Industrial Tribunal

Judge  
2nd Industrial Tribunal  
West Bengal