

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

No. Labr/ 864 / (LC-IR)/ 22015(16)/25/2021

Date : 30-07-2025

ORDER

WHEREAS under Labour Department's Order No. Labr./1370/(LC-IR)/22015(16)/25/2021 dated 09.08.2021 with reference to the Industrial Dispute between Serampore Wholesale Consumers Co-operative Society Limited, 16, Satish Chandra Ghosh Lane, Dist.-Hooghly, Pin-712202 and its workman Sri Aftab Alam, 11/A/1, Parshi Lane, P.O.-Serampore, Dist.-Hooghly, regarding the issues mentioned in the said order, being a matter specified in the Second Schedule of the Industrial Dispute Act' 1947 (14 of 1947), was referred for adjudication to the 3rd Industrial Tribunal, Kolkata.

AND WHEREAS the 3rd Industrial Tribunal, Kolkata, has submitted to the State Government its Award dated 28.07.2025 in Case No. 06/2021/10 on the said Industrial Dispute Vide e-mail dated 28.07.2025 in compliance of Section 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 hereby pleased 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/ 864/1(5)/(LC-IR)/ 22015(16)/25/2021

Date : 30-07-2025

Copy forwarded for information and necessary action to:

1. Serampore Wholesale Consumers Co-operative Society Limited, 16, Satish Chandra Ghosh Lane, Dist.-Hooghly, Pin-712202.
2. Sri Aftab Alam, 11/A/1, Parshi Lane, P.O.-Serampore, Dist.-Hooghly.
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, 11th Floor, Kolkata- 700001.
5. The Deputy Secretary, IT Cell, Labour Department with request to cast the Award in the Department's website.



Assistant Secretary
to the Government of West Bengal

No. Labr/ 864/2(3)/(LC-IR)/ 22015(16)/25/2021

Date : 30-07-2025

Copy forwarded for information to :

1. The Judge, 3rd Industrial Tribunal, Kolkata, N.S. Building, 1, K.S. Roy Road, Kolkata-700001 with reference to e-mail dated 28.07.2025.
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 Third Industrial Tribunal, Govt. of West Bengal
New Secretariat Buildings, Kolkata

Case No. 06/2021/10

Present: Sri Mihir Kumar Mondal
Judge, 3rd Industrial Tribunal
Kolkata

A W A R D

Dated: 28th July, 2025

The Government of West Bengal, Labour Department has referred an Industrial Dispute between Serampore Wholesale Consumers Co-operative Society Limited, 16, Satish Chandra Ghosh Lane, Dist.-Hooghly, Pin-712202 and its workman Sri Aftab Alam, 11/A/1, Parshi Lane, P.O.-Serampore, Dist.-Hooghly to this Tribunal vide G.O. No. Labr./1370/(LC-IR)/22015(16)/25/2021 dated 09.08.2021 on the following issue(s) for adjudication:

I S S U E S

- 1) Whether the termination of service of the workman namely Sri Aftab Alam by the Management of Serampore Wholesale Consumers Co-operative Society Limited is justified?
- 2) To what relief, if any, is he entitled?

On receiving the 'Order' of the appropriate Government containing 'Reference of Disputes', this Tribunal on 19.08.2021 by its Order No. 1 issued Notice upon both the parties. On receiving notice the workman Aftab Alam appeared through his Ld. Advocate by filing Vakalatnama and Serampore Wholesale Consumers Co-operative Society Limited entered their appearance through Ld. Advocate by filing Vakalatnama. Subsequently, the workman and the Company submitted their respective written statement.

The case of the workman, in a nutshell, is that he joined in Serampore Wholesale Consumers Co-operative Society Limited (hereinafter referred to as the 'Company') in terms of Company's letter dated 28.12.2018 as a Computer Operator on casual basis for six months at a salary of Rs.3000/- per month. The workman joined on 02.01.2019 by way of submitting his joining report. He has claimed that the 'Company' victimized him by paying an amount of money as salary which was less than the minimum rates of wages fixed by the Government of West Bengal. He has claimed that he rendered his service diligently, sincerely and honestly to the satisfaction of the Management of the Company and thus the Management issued certificate dated 20.05.2019 acknowledging his hard work and efficiency. He has claimed that he by letter dated 10.05.2019 requested the Company to pay him salary complying minimum rates of wages fixed by the Government of West Bengal and he by letter dated 27.05.2019 requested the Company to release Eid bonus / advance along with salary for the month of May, 2019 for 'Iftar Party'. He has claimed that the Assistant Labour Commissioner, Serampore by letter dated 12.06.2019 requested the Company to take necessary action for paying minimum wages and he by letter dated 20.06.2019 requested the Management of the Company to extend his service tenure. He has claimed that the Management of the Company pressurized him to withdraw his complaint regarding minimum wages otherwise his service would not be extended. He has claimed that on 10.07.2019 the Company reappointed him w.e.f. 01.07.2019. He has claimed that the Company victimized him by terminating his

employment w.e.f. 25.10.2019 by letter No.85/19-20 dated 25.10.2019. He has claimed that such termination of his job was unjustified and illegal as no show-cause / charge-sheet was issued nor any domestic enquiry was held before terminating his service nor any retrenchment compensation was paid along with his termination. He has claimed that he sought intervention of the Deputy Labour Commissioner over his illegal termination by letter dated 01.11.2019. Thereafter, the appropriate Government referred the industrial dispute raised by him to this Tribunal for adjudication. Accordingly, he prayed for proper justice and redress of his grievance.

Serampore Wholesale Consumers Co-operative Society Limited has contested this case by filing written statement. Serampore Wholesale Consumers Co-operative Society Limited (hereinafter referred to as the 'Company') by its written statement has denied all the material allegations levelled against it by the Workman. The Company has claimed that the workman Aftab Alam was appointed as a casual worker for a period of six months at a monthly salary/wages of Rs.3000/- and it was clearly mentioned in the Letter of Appointment that his employment was casual in nature. The 'Company' has mentioned in the written statement that since the nature of appointment of the workman was casual, he cannot claim his job was regular in nature. It has been mentioned that the workman joined in the service of the 'Company' as a casual worker and thus it is supposed that he after accepting all the terms and conditions of his appointment joined in the job without raising any question. It is mentioned in the written statement that the Company did not give any assurance to the workman that his service would be regularized at a certain point of time and his joining report was unconditional. It is mentioned that there was no sanctioned post for 'Computer Operator' in the establishment of Serampore Wholesale Consumers Co-operative Society Limited but he was appointed to pull up the backlog of various works. It is mentioned that no efficiency certificate was given to the workman by the appropriate authority of the 'Company'. It is mentioned that the workman was not entitled to get any bonus or advance along with his salary for the month of May, 2019. It is admitted in the written statement that the Assistant Labour Commissioner requested the appropriate authority of the 'Company' to pay minimum wages as fixed by the Government of West Bengal but the Assistant Labour Commissioner failed to furnish any copy of gazette notification in this regard. It is mentioned that the workman was appointed as casual worker for a period of six months and since the tenure of his appointment was going to elapse, the workman started to discuss with the authority for extension of his tenure as casual worker but the authority did not agree over that matter initially. It is mentioned that the workman was appointed for the second time as Computer Operator on casual basis for six months at a salary of Rs.3000/- per month but certainly the 'Company' did not give him any continuous appointment under the 'Company'. It is alleged in the written statement that the workman was found with indifferent attitude towards his job and he was in a habit of absenting himself from his duty as well as he was in a habit of late attendance in the office almost everyday. It is mentioned that since the workman was not a regular and permanent employee of the 'Company', there was no necessity of initiating a disciplinary proceeding for his termination from the job. The Company by its Written Statement has prayed for passing an award of dismissal of the claim of the applicant.

After submission of written statements and list of documents by the parties, exchange of documents took place. Thereafter, the matter was fixed for hearing on merit.

During evidence stage, the 'Workman' examined himself as PW-1 and he was cross-examined in full by the Company. After closing the evidence of the applicant, the Company had adduced its witness. One Sri Subarna Baidya being the Chief Executive Officer of Serampore Wholesale Consumers Co-operative Society Ltd. filed his examination-in-chief on affidavit as OPW-1 and his cross-examination was done for

three dates by the Ld. Advocate for the workman and subsequently he died. Thereafter, on behalf of Serampore Wholesale Consumers Co-operative Society Ltd. one Mr. Prasun Roy appeared by filing Vakalatnama being the Chief Executive Officer of the Society and he filed his examination-in-chief on affidavit since the cross-examination of OPW-1 Subarna Baidya, since deceased, was not completed.

Before examination of OPW-1 Mr. Prasun Roy on behalf of the Company, a talk of settlement of the dispute amicably was started and subsequently, after much deliberation, finally both the parties came to a consensus regarding settlement of dispute. Accordingly, on 25.07.2025, the parties to this case filed a joint petition along with a joint 'Memorandum of Settlement' with the prayer for accepting the said Memorandum of Settlement and to dispose of this case in terms of joint 'Memorandum of Settlement'. One Mr. Prasun Roy, Assistant Registrar of Co-operative Societies and CEO of Serampore Wholesale Consumers Co-operative Society Limited was present to represent Serampore Wholesale Consumers Co-operative Society Ltd. and the workman Aftab Alam was present before this Tribunal on 25.07.2025. Mr. Prasun Roy and Aftab Alam are the joint signatories on the joint petition and joint 'Memorandum of Settlement'. According to the 'Memorandum of Settlement' the Company agreed to pay a sum of Rs.30,000/- by an A/c. Payee Cheque to Aftab Alam against full satisfaction of his claim. In the meantime, the workman Aftab Alam has encashed the said A/c. Payee Cheque and an amount of Rs.30,000/- has already been credited to his Bank Account.

In the perspective of such joint petition and joint Memorandum of Settlement, the workman Aftab Alam prayed for his re-examination on recall and thus re-examination of P.W.-1 is resumed today and he is examined-in-chief on recall and his cross-examination is declined and discharged.

Mr. Prasun Roy, CEO of Serampore Wholesale Consumers Co-operative Society Limited is examined-in-chief as OPW-1 and his cross-examination is declined and discharged.

It is to be mentioned here that on 25.07.2025 the workman Aftab Alam submitted a receipt in respect of an A/c. Payee Cheque of Rs.30,000/- from Serampore Wholesale Consumers Co-operative Society Limited.

Aftab Alam openly before this Tribunal has stated that he spontaneously, voluntarily and without being influenced by any person or force entered into amicable settlement of the Industrial Dispute and he put his signatures on the joint petition and joint 'Memorandum of Settlement'. He has admitted that he has received an amount of Rs.30,000/- from Serampore Wholesale Consumers Co-operative Society Limited in his full satisfaction in the matter of settlement of his claim and he has expressed his satisfaction in the matter of amicable settlement of long pending Industrial Dispute.

Ld. Advocate for Serampore Wholesale Consumers Co-operative Society Limited has prayed for passing Award on settlement of the Industrial Dispute amicably.

In view of greater interest of keeping industrial peace and good relationship between the Management and the workman, I accept the Memorandum of Settlement made by the parties to this case jointly and thus, an order of Award is being passed over the same. The Memorandum of Settlement be made part of the Award in respect of industrial dispute raised.

In view of such amicable settlement of the dispute, there is no necessity of making discussion on the issues, so framed in the referral order to make appropriate decision. Accordingly, both the issues are disposed of in the light of joint Memorandum of Settlement.

Hence,

it is

O r d e r e d

That the instant Industrial Dispute under the reference is settled in terms of joint Memorandum of Settlement.

According to the joint Memorandum of Settlement, Aftab Alam is entitled to get Rs.30,000/- in full satisfaction of his claim of this case and he has already received the said amount of Rs.30,000/- from Serampore Wholesale Consumers Co-operative Society Limited. He will have no further demand against Serampore Wholesale Consumers Co-operative Society Limited in any manner whatsoever.

This is the settlement Award of this case passed by this Tribunal.

In view of letter No. Labr./944(3)/(LC-IR)/22016/7/2024 dated 13.09.2024 of the Assistant Secretary, Labour Department, I.R. Branch, Government of West Bengal, New Secretariat Buildings, 12th Floor, the PDF copy of the Award be sent to the Labour Department, Government of West Bengal through e-mail ID(wblabourcourt@gmail.com) for information.

Dictated and corrected

sd/-

Judge

sd/-

Judge

Third Industrial Tribunal

Kolkata

28.07.2025