

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/ 876 / (LC-IR)/ 22015(16)/97/2025

Date : 01-08-2025

ORDER

WHEREAS under Labour Department's Order No. 1552 I.R dated 28.12.2006 with reference to the Industrial Dispute between M/s Bengal Chamber of commerce and Industry, Royal Exchange, 6, Netaji Subhas Road, Kolkata-700001 and its workmen Smt. Rita Dhar, Smt. Piyasa Bhowal and Smt. Sabita Roy Chowdhury represented by The Bengal Chamber of Commerce and Industry and connected associations staff union (Regn. 796), Royal Exchange, 6, Netaji Subhas Road, Kolkata-700001, 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 5<sup>th</sup> Industrial Tribunal, Kolkata.

AND WHEREAS the 5<sup>th</sup> Industrial Tribunal, Kolkata has submitted to the State Government its Award dated 22.07.2025 in Case No. VIII - 02/2007 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/ 876 /1(5)/(LC-IR)/ 22015(16)/97/2025

Date : 01-08-2025

Copy forwarded for information and necessary action to:

1. M/s Bengal Chamber of commerce and Industry, Royal Exchange, 6, Netaji Subhas Road, Kolkata-700001.
2. The Bengal Chamber of Commerce and Industry and connected associations staff union (Regn. 796), Royal Exchange, 6, Netaji Subhas Road, Kolkata-700001.
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 request to cast the Award in the Department's website.

  
Assistant Secretary  
to the Government of West Bengal

No. Labr/ 876 /2(3)/(LC-IR)/ 22015(16)/97/2025

Date : 01-08-2025

Copy forwarded for information to :

1. The Judge, 5<sup>th</sup> 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 matter of an industrial dispute referred under No. 1552 I.R dated 28.12.2006 initiated by the Union viz. The Bengal Chamber of Commerce and Industry and connected associations staff union having its office at Royal Exchange, 6, Netaji Subhas Road, Kolkata-700 001 (Regn. 796) representing the Stenographers namely Smt. Rita Dhar, Smt. Piyasa Bhowal and Smt. Sabita Roy Chowdhury against Bengal Chamber of commerce and Industry of Royal Exchange. Registered Office at 6, Netaji Subhas Road, Kolkata-700 001 U/s. 10 of the Industrial Disputes Act, 1947.

**( Case No. VIII- 02/2007 )**

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**Present : Sri Bibekananda Sur,  
Judge,  
5<sup>th</sup> Industrial Tribunal, Kolkata**

**A W A R D**

**DATED, 22.07.2025**

**M/s. Bengal Chamber of Commerce Vs. Union**

The present case arose relates to demand of three Lady Stenographers namely Smt. Rita Dhar, Smt. Piyasa Bhowal and Smt. Sabita Roy Chowdhury through the applicant union viz. The Bengal Chamber of Commerce and Industry and connected associations staff union due to their membership lies with the Union, for their demand of revisional of Salary grade and antecedent allowances.

Government of West Bengal referred the case dated 28.12.2016 framing the issues as follows:-

1. Whether the demand of the Union for revision of grade and scale of pay and other service conditions of the Lady Stenographer i.e. Transport subsidy, Lunch subsidy, Medical Allowance, Leave transport, Assistance is Justified?
2. What relief, if any, are they entitled to?

Union amended written statement by petition dated 02.05.2008 to the effect that the stenographers are denied of ad hock increase, interim relief, lump sum payment as they were not included in bipartite settlement and the similarly positioned stenographers in Indian Tea Association draws basic rupees 17,000/- per month + Rs.2250/- HRA + child allowance @ 700/- per month + LTA 10,500/- per year + Flat maintenance 4500/- per year + Tiffin 750/- per month + transport 1200/- per month + fuel and electricity Rs.600/- per month pension 15% of the last drawn basic and thereby the stenographers are deprived.

Management filed the Written Statement on 15.01.2008 and contested the case on the following grounds:-

1. Employees are managerial capacity and they are not workman within the ambit of Industrial Dispute Act under section 2s. Accordingly this case does not deserve to be adjudicated rather the case should be dismissed
2. Union has no locus standi.
3. After receiving payment no objection was raised by the concerned employees and also by the union and as such there is no dispute to form the shape of an industrial dispute.
4. Concerned employees have no right to raise any dispute after accepting the payment. And Tribunal has no jurisdiction to adjudicate in this matter.
- 5) The employees did not join the union and as such their terms and conditions of service were excluded from the purview of long term bipartite settlement dated 28.09.2004.

- 6) Union wrote a letter asking for revision of pay structure vide letter 21.03.2005 and On 23.03.2005 BCCI replied that bipartite settlement dated 28.09.2004 was in effect and the union is stopped to raise any further demand.
- 7) Pay structure is revised from time to time and it was duly accepted by the employees.
- 8) Management denied all allegations of the employees and prayed an award in favour of Bengal Chamber of Commerce and Industry holding that the concerned employees are not entitled to revision of pay.

All the issues are taken up together for convenience.

Issue No. 1 and 2

PW-1, Piyasa Bhowal on 22.05.2008 adduced and proved her appointment letter dated 10.02.95 as Exhibit-1 and stated that her main duties were to take dictation and to type the same and the dispute was raised for her low salary below the salary sub-staff.

Cross-examination of PW-1 revealed that she was in service till 2008 and became member in the year 2005 and PW-1 had no paper to show that she is a member of union under reference and she admitted that the employees being member of union used to get more salary than the employees who were not the members. She failed to state the basis of the salary increment and she admitted that her scale was also revised and during 2005-2008 her pay was further revised and finally revised in the year 2008 and she used to draw convenience/transport allowance and lunch allowance and she did not draw any subsidy amount on that two accounts as condition of her service and she was not entitled to any leave transport allowance or leave transport assistance.

PW-1 did not write any letter to the management expressing any grievance regarding revision of pay scale in 2006 and in 2007. And her pay was revised 2006 and 2007.

PW-1 used to get lunch allowance and prior to that we used to get lunch subsidy and after abolition of lunch subsidy, lunch allowance was introduced.

PW-1 admitted that she received transport allowance and she never received transport subsidy but afterward she admitted that she used to receive transport subsidy and after abolition she started getting transport allowance PW-1 admitted that there is no specific assertion in the pleading that regarding leave transport assistance. She did not get any leave transport assistance as she was not entitled

There is no assertion regarding transport subsidy and lunch subsidy.

The applicant relied upon the following documents:-

1. Piyasa Bhowal joined the organisation as a probationary training vide appointment dated 10.02.95 Exhibit-1.
2. Exhibit-2 dated 22.02.96 is revision of terms of service to the effect that Basic 2000/-, HRA 500/- , Transport 300/- per month, Lunch 20/- per working days, LTA Rs. 1000/- per annum, Medical 1000/- per annum from 01.01.1996.

Debasish Dutta Vice Chairman of Bengal Chamber of Commerce Staff Union court witness No.-1 adduced on 29.06.2017 to the effect that at the relevant point of time the settlement has been arrived between management and union on 07.04.2015 and thereby the union refrained from pursuing the case before the Tribunal and the Secretary of the Union Mr. Sing issued letter to Smt. Madhumita Dutta Advocate (for the union) requesting not to pursue

the pending case on behalf of the union and the CW-1 attended the Tribunal on receipt of notice to say it to the Tribunal that the union is not willing to pursue with the case . CW-2 S. Singh stated that he was the Secretary in the year 2015 a settlement between management and union has been arrived at regarding all disputes and this S. Singh was a signatory for the union and memorandum of settlement containing the terms that union will not pursue any pending dispute before Tribunal and thereby the union is not willing to proceed and pursue the case and accordingly the union as well as the other two Lady Stenographers abandoned the claim.

The applicant Piyasa Bhowal alone continued the case against the Management.

Upon perusal of the evidence of PW-1 Piyasa Bhowal it appears that her salary was raised from time to time and she also received transport subsidy and after abolition of transport subsidy she started getting transport allowance and she admitted that she did not get any leave transport assistance as she was not entitled.

PW-1 did not adduce any evidence in support of her claim relates to lunch subsidy and medical allowances.

In view of above the evidence on record it appears that there is no material to pass any favourable order for lunch subsidy and medical allowances.

That apart it appears that the present case was initiated by the Union for the three Lady Stenographers and subsequently the Union intended not to proceed with the case due to settlement arrived with the management and since then the applicant Piyasa Bhowal alone started proceedings the case for herself and in this count it further appears that her evidence on 05.01.2023 and cross examination on 17.03.2023 did not establish her membership with the Union. In view of above evidence on record the locus standi of the applicant is not established to represent the Union.

That being so, it appears that the admission of Piyasa Bhowal reflect that her salary grade was revised from time to time and she used to get transport subsidy and since after its abolition, she started getting transport allowance and in the absence of necessary evidence for lunch subsidy and medical allowance, the issue No.1 referred by the Government decided against the applicant.

That apart one of the applicant Piyasa Bhawal not being an authorized person ,and considering the principle decided in the case of Deepak Industries Ltd vs. State of WB reported in (Cal H.C.) 1975 Lab. I.C. 1153 and in the case of Savera & Co. Ltd. vs. Seventh Industrial Tribunal reported in 1983Lab.I.C.(2) Noc 93(Cal) and considering the principle decided in Muksh K. Trapathi Vs. Senior Divisional Manager reported in 2004 Lab.I.C.(4)3688 Para 23 , she alone has no locus standi to seek any relief as prayed for.

In view of above it is further held that the applicant is not entitled to get any other relief

Thus the issues referred to this Tribunal are decided against the applicants.

Hence, it is

### **ORDERED**

That the case bearing No. VIII-02 of 2007 is dismissed on contest without cost.

Dictated and corrected and Award Delivered by

Sd/-

BIBEKANANDA SUR

Judge, 5th Industrial Tribunal, Kolkata

GOVERNMENT OF WEST BENGAL  
DIRECTORATE OF INDUSTRIAL TRIBUNALS  
NEW SECRETARIAT BUILDINGS  
BLOCK – 'A', 2<sup>ND</sup> FLOOR  
1, KIRAN SANKAR ROY ROAD  
KOLKATA – 700001

Memo No. Dte/5<sup>th</sup> I.T/027/2025

Dated Kolkata, the 24.07.2025

From: Shri Bibekananda Sur,  
Judge,  
5<sup>th</sup> Industrial Tribunal  
Industrial Tribunal,  
Kolkata – 1.

To : The Secretary to the  
Govt. of West Bengal,  
Labour Department,  
New Secretariat Buildings, 12<sup>th</sup> Floor,  
1, Kiran Sankar Roy Road,  
Kolkata – 700 001.

**Sub: The Award between M/s Bengal chamber of commerce and Industry Vs Union**  
( Case No. VIII – 02 of 2007 U/s. 10 of the I.D. Act.1947)

Sir,

I am sending herewith the Award passed in the matter of an industrial dispute between M/s Bengal chamber of commerce and Industry, Royal Exchange, 6, Netaji Subhas Road, Kolkata- 700001 and their workmen represented by the Bengal Chamber of Commerce and Industry and connected Association Staff Union, Royal Exchange, 6, Netaji Subhas Road, Kolkata- 700001

Encl: As stated above.

Yours faithfully,

(Bibekananda Sur)  
Judge,  
Fifth Industrial Tribunal  
Kolkata  
22.07.2025