

/479367/2024

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

No. Labr/. 94 / (LC-IR)/22015(16)/10/2024 Date: 30-01-2024

ORDER

WHEREAS an industrial dispute existed between M/s. Quality Spring & Engineering Co. Pvt. Ltd., Amta Road, Baltikuri, Howrah - 711113 and their workman Sri Amit Bose, S/o. Late Bhupal Chandra Bose, 44/2/1, Bisweswar Banerjee Lane, Kadamtala, Howrah - 711101 regarding the issues being a matter specified in the Second schedule of the Industrial Dispute act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute act, 1947 (14 of 1947) to the Second Industrial Tribunal Specified for this purpose under this Department Notification No. 101-IR dated 2.2.12;

AND WHEREAS the Second Industrial Tribunal has submitted to the State Government its Award dated 24/01/2024 in Case No. 45 of 2015 vide memo no. Dte/2ndIT/006/2024 dated 24/01/2024.

NOW, THEREFORE, in pursuance of the provisions of Section 17 of the Industrial Disputes 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,

Salt
Assistant Secretary
to the Government of West Bengal

(2)

No. Labr/⁹⁴...../1(2) - IRDated: ³⁰⁻⁰¹⁻.....2024

Copy forwarded for information to:

1. The Judge, Second Industrial Tribunal with reference to his Memo No. Dte/2ndIT/006/2024 dated 24/01/2024.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.

Sdt
Assistant Secretary

No. Labr/⁹⁴...../2(5) - IRDated: ³⁰⁻⁰¹⁻.....2024

Copy with a copy of the Award is forwarded for information & necessary action to:

1. M/s. Quality Spring & Engineering Co. Pvt. Ltd., Amta Road, Baltikuri, Howrah - 711113.
2. Sri Amit Bose, S/o. Late Bhupal Chandra Bose, 44/2/1, Bisweswar Banerjee Lane, Kadamtala, Howrah - 711101.
3. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
4. The O.S.D. & E.O. 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

deputy Secy / Santanu R. Choudhury (SSP)
05/02/24

Before the 2nd Industrial Tribunal, Kolkata

Present : Shri Partha Sarathi Mukhopadhyay, Judge

2nd Industrial Tribunal, Kolkata

Case No. 45 of 2015

Under Section 2A (2) of The Industrial Disputes Act, 1947

Sri Amit Bose

S/O Late Bhupal Chandra Bose,

Address: 44/2/1, Bisweswar Banerjee Lane,

Kadamtala, Howrah- 711 101

..... Applicant

-Vs-

M/S. Quality Spring & Engineering Co. Pvt. Ltd.

Address: Amta Road, Baltikuri,

Howrah- 711 113

----- Opposite Party.

Date: 24.01.2024

J U D G E M E N T

The case of the petitioner, in short, is that he used to work as a Clerk since 01.06.1996 in the OP company and thereafter he requested the OP company to

increase his salary but the OP company refused his employment since 14.07.2015 illegally and the petitioner attended the OP company till 22.07.2015 and requested the OP company to allow him to join in vain and then on 23.07.2015 the petitioner sent one letter to the OP company challenging the said dismissal in vain and then he reported the said matter to the Labour Commissioner, West Bengal but after waiting for 45 days thereafter he has filed this case before this Tribunal praying for his reinstatement in service with full back wages and consequential relief.

The OP company has contested this case by filing one written statement denying therein all the material allegations of the petitioner.

The OP company has submitted in its written statement that the petitioner used to work as a casual worker and he was not the permanent worker and there is no industrial dispute between him and the OP company and he himself refused to attend the office of the OP company and all the allegations of the petitioner in this case are false.

Record shows that thereafter the petitioner filed one petition praying for interim relief and that was allowed on contest on 31.07.2019 by this Tribunal and the case was fixed for evidence on merit and the petitioner as the PW1 was examined in chief and cross-examined in part and thereafter the OP company filed a petition challenging the maintainability of this case and that petition was disposed of on 29.09.2021 and by the said order the said petition filed by the OP company was rejected on contest and the case was fixed for further cross-examination of the petitioner and then issues were framed and noted in a separate sheet as the said issues were not framed earlier by the erstwhile Tribunal and thereafter the OP company challenged the Order No. 94 dated 07.11.2023 passed by this Tribunal before the Hon'ble High Court, Calcutta in WPA No. 26965 of 2023 and then on 21.12.2023, the OP company filed one order dated 13.12.2023 passed by the Hon'ble High Court, Calcutta in the said WPA.

On perusing the said order dated 13.12.2023 passed by the Hon'ble High Court Calcutta in the said WPA, I find that the case was settled before the Hon'ble High

Court, Calcutta and the workman agreed to accept Rs. 5,00,000/- as full and final settlement of all the claims against the management and the Hon'ble High Court passed the said order as **"let all the claims including the gratuity of the workman arising out of the impugned proceedings being case no. 45 of 2015 under section 2A(2) of The Industrial Disputes Act, 1947, be settled and disposed of upon payment of Rs. 5,00,000/- by the writ petitioner to the workman and the payment shall be made in two several instalments of Rs. 2,50,000/- each and the first of such instalment shall be payable by 25.12.2023 and the second instalment for balance sum of Rs. 2,50,000/- shall be paid by 20.01.2024 and upon payment of the above, neither parties i.e. the writ petitioner or the workman shall have any claim whatsoever against one and another and all the disputes and differences shall come to an end and be set at rest"**.

Record shows that with the said petition dated 21.12.2023, the OP company enclosed two xerox copies of cheques issued by Federal Bank in the name of the petitioner dated 20.01.2024 and 20.12.2023 in respect of Rs. 2,50,000/- each and the petitioner's advocate made one endorsement with his signature on the said petition dated 21.12.2023 stating that he has received two original cheques from the OP company.

Record shows that on 21.12.2023, both parties were present before this Tribunal and during hearing, the petitioner submitted that he has received said two cheques of Rs. 2,50,000/- each from the OP company but the said cheques have not yet been encashed and prayed for adjournment and 04.01.2024 was fixed for hearing in respect of payment of said money and on 04.01.2024 both sides were present and after hearing both sides, 11.01.2024 was fixed for passing award but on 11.01.2024 the Ld. lawyer for the OP company was present and he again filed one petition praying for passing award but the petitioner was absent till 12:45 p.m. and none appeared for the petitioner and after hearing the Ld. lawyer for the OP company 24.01.2024 was fixed for passing award after getting information from the petitioner about receiving Rs. 2,50,000/- as per the cheque dated 20.01.2024 as it was learnt from the advocates that before 20.01.2024, the said cheque dated 20.01.2024 cannot be encashed.

Today i.e. on 24.01.2024, the Ld. lawyer for the OP company is present but till 13:20 hrs. neither the petitioner nor his advocate appeared before this Tribunal and no information could be gathered from the petitioner or his advocate about receiving the rest Rs. 2,50,000/- as per the cheque dated 20.01.2024 and considering this conduct of the petitioner and his advocate and considering the fact that the petitioner has received the said two original cheques from the OP company on 21.12.2023 from this Tribunal, it is presumed that the petitioner has received Rs. 2,50,000/- as per the cheque dated 20.01.2024 also and earlier he has admitted before this Tribunal that he has encashed Rs. 2,50,000/- as per the cheque dated 20.12.2023 issued by the OP company.

So considering the entire materials on record I hold that the petitioner has received both the cheques of Rs. 2,50,000/- each from the OP company according to the order dated 13.12.2023 passed by the Hon'ble High Court, Calcutta in WPA No. 26965 of 2023 and accordingly, it has to be held as per the abovementioned order dated 13.12.2023 passed by the Hon'ble High Court, Calcutta in WPA No. 26965 of 2023 that the case has been settled between the parties and it is disposed of on compromise.

Hence, it is

ORDERED

That case no. 45/2015 under section 2A(2) of the Industrial Disputes Act, 1947 is disposed of on compromise in terms of the settlement made before the Hon'ble High Court, Calcutta by both the parties of this case.

Let the Settlement made before the Hon'ble High Court, Calcutta by both the parties to this case be made a part of this award.

Let the judgement and order to 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

Judge
2nd Industrial Tribunal
West Bengal


Judge

2nd Industrial Tribunal
24.01.2024

Judge
2nd Industrial Tribunal
West Bengal