

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

Labr/1006/CL-IR
No. Labr. ~~/1006~~ /22015(16)/668/2019

Date27/11/19.

ORDER

WHEREAS an industrial dispute existed between M/S Institute of Neuro Sciences ar Smt. Sikha Mallick regarding the issues being a matter specified in the 2nd schedule of the Industrial Dispute act, 1947 (14of 1947);

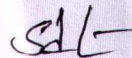
AND WHEREAS the workman has filed an application directly under sub-section 2 c Section 2A of the Industrial Dispute act, 1947 (14of 1947) to the Judge, 7th Industrial Tribunal Specified for this purpose under this Department Notification No. 101-IR dated 2.2.12;

AND WHEREAS the said Judge, 7th Industrial Tribunal has submitted to the Stat Government its Award on the said Dispute.

NOW, THEREFORE, in pursuance of the provisions of Section 17 of the Industri. 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,



Deputy Secretary
to the Government of West Bengal

No. Labr/1006/1(2) - (LC-IR)

Dated 27/11/19

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No.
1375..... dated ...01.10.2019.....
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane,
Kolkata-700001.

Deputy Secretary

No. Labr/1006/2(5) - (LC-IR)

Dated 27/11/19

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

- 1.M/s Institute of Neuro Science, Kolkata, 185/1, A.J.C. Bose Road, Kolkata
700017
- 2 Smt. Sikha Mallick, 22/H/5, Bright Street, Kolkata-700017
- 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 O.S.D., IT Cell, Labour Department, with the request to cast the Award in
the Department's website.



Deputy Secretary

In the Seventh Industrial Tribunal, West Bengal
New Secretariat Buildings, Kolkata

Present: Shri Ashis Kumar Das, Judge,
Seventh Industrial Tribunal, Kolkata

Case No.41 of 2012

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

Smt. Sikha Mallick
22/H/5, Bright Street, Kolkata-700017

... Applicant

Versus

Institute of Neuro Sciences Kolkata
185/1, A.J.C. Bose Road, Kolkata-700017

... Opposite Party

Order No.61, dated 30-09-2019

Case record is put up by petition filed on behalf of applicant Smt. Sikha Mallick, who is present with her Ld. Advocate.

OP/Company is also present through its Ld. Advocate.

Applicant has filed a verified petition praying for dismissal of the present case for non-prosecution on the ground stated therein. Copy served upon the OP/Company.

Another petition has been filed on behalf of the applicant by her Ld. Advocate praying for an order to examine the applicant (PW-1), on recall, on the ground stated therein. Copy served upon the OP/Company.

Petition for recall is taken up for hearing.

Heard both sides. Perused the petition for recall along with petition for dismissal of the present case for non-prosecution. Considered. Prayer is allowed.

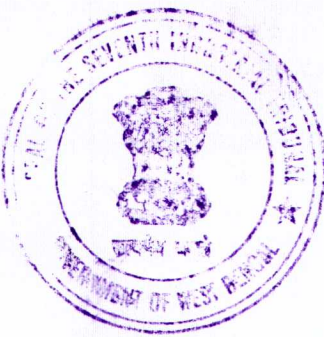
Applicant Smt. Sikha Mallick (PW-1) is examined on recall, cross-examination is declined and discharged.

Heard Ld. Advocates for the applicant as well as OP/Company in respect of the petition for dismissal of the present case for non-prosecution. Considered.

Case record is taken up for passing order.

This is a case under Section 2A(2) of the Industrial Disputes Act, 1947, filed by the applicant Smt. Sikha Mallick, against her employer M/s. Institute of Neuro Sciences Kolkata, seeking reinstatement in service with full back wages and other consequential

Contd....



Contd....Order No.61, dated 30-09-3019

benefits with the declaration that the alleged order of her termination dated 31.08.2011 is unjust, improper and illegal.

Perused the present petition for dismissal for non-prosecution along with the evidence of PW-1, recorded today, and materials available on record. Also perused the photocopies of agreement dated 30.09.2019, executed between the parties, and demand draft of Rs.1,53,600/- (Rupees one lakh fifty-three thousand & six hundred only) dated 20.09.2019, issued in the name of the applicant Smt. Sikha Mallick, so annexed with the present petition for dismissal of this case. During her evidence, recorded today, PW-1 has clearly stated that the matter in dispute in between the OP/Company and her has already been settled out of Court by executing an agreement dated 30.09.2019 and she has received a demand draft of Rs.1,53,600/- (Rupees one lakh fifty-three thousand & six hundred only) and further stated that she has no allegation against the OP/Company and she has also no claim against the said company and so, she does not want to proceed with the case further. She has also stated that she has filed a petition today to that effect with a prayer for dismissal of the case for non-prosecution and she has identified her said petition, duly signed by her. She has clearly prayed for dismissal of the case for non-prosecution. Therefore, from her above evidence, it is clear that the matter in dispute in between the parties has already been settled amicably out of this Tribunal and so, the applicant does not want to proceed with this case further and has prayed for dismissal of the present case for non-prosecution. Considering all aspects as well as above referred evidence of PW-1, I am of the view that the prayer of the applicant for dismissal of the case should be allowed.

Hence, it is,

O R D E R E D

that the Case being No. 41 of 2012 under Section 2A(2) of the Industrial Disputes Act, 1947 be and the same is dismissed for non-prosecution.

The petition for dismissal of the case for non-prosecution, filed today, by the applicant Smt. Sikha Mallick, be made part of this order.

The case record need not be put up on the date already fixed i.e. on 21.11.2019.

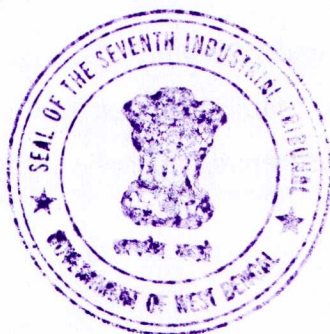
This is my **AWARD**.

Let 6 (six) copies of the **Order / Award** be sent to the appropriate Authority for taking necessary action.

Dictated & corrected by me

sd/-
Judge

Judge
Seventh Industrial Tribunal



sd/-
(Ashis Kumar Das)
Judge,
Seventh Industrial Tribunal,
Kolkata
30/09/2019
Judge
Seventh Industrial Tribunal