

I/69793/2019

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

No. Labr/.993. . . . /LC-IR/IR/22015(16)/667/2019-IR

Date : . 25/11/19.

ORDER

WHEREAS an industrial dispute existed between M/s The Calcutta Stock Exchange Ltd. 7, Lyons Range, Kolkata-700001 and Shri Rajendra Kumar Thakur, 16, Mitra Lane (Near Mahajati Sadan), Kolkata-700007 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 filled an application under section 10(1B)(d) of the Industrial Dispute Act, 1947 (14 of 1947) to the Judge, Seventh IT, Kolkata specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, the Judge of the said Seventh IT, Kolkata heard the parties under section 10(1B)(d) of the I.D. Act, 1947 (14 of 1947).

AND WHEREAS the said Judge Seventh IT, Kolkata has submitted to the State Government its Award under section 10(1B)(d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute.

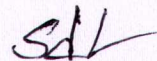
Now, THEREFORE, in pursuance of the provisions of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Governor is pleased hereby to publish the said Award as shown in the Annexure hereto.

ANNEXURE

(Attached herewith)

Governor,

By order of the



Deputy Secretary
to the Government of West

Bengal

I/69793/2019

: 2 :

No. Labr/993/1(5)/(LC-IR)
 Date 25/11/19

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

1. M/s The Calcutta Stock Exchange Ltd. 7, Lyons Range, Kolkata-700001.
2. Shri Rajendra Kumar Thakur, 16, Mitra Lane (Near Mahajati Sadan), Kolkata-700007
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The OSD & EO Labour Commissioner, W.B., New Secretariat Buildings, (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

No. Labr/993/2(2)/(LC-IR)
 Date 25/11/19

Copy forwarded for information to :-

1. The Judge, Seventh IT, West Bengal, with respect to his Memo No. 1352-LT dated 26.09.2019
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

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.32 of 2014

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

Sri Rajendra Kumar Thakur,
16, Mitra Lane (Near Mahajati Sadan), Kolkata-700 007

... Applicant

Versus

M/s. The Calcutta Stock Exchange Ltd.,
7, Lyons Range, Kolkata-700 001.

...OP/Company

A W A R D

Order No.45, dated 19-09-2019

Applicant Sri Rajendra Kumar Thakur is present with his Ld. Advocate.

OP/Company is present through its Ld. Advocate.

Sri Prasenjit Dutta, Chief Financial Officer of the OP/Company is also present.

Today is fixed for further cross-examination of OPW-1, Dhiraj Chakraborty, who is absent today.

At this stage, one joint petition for compromise along with Memorandum of Settlement has been filed by the parties.

Ld. Advocates for both the parties submit that the matter in dispute has already been settled between the parties out of Tribunal with the intervention of well-wishers and both the parties are present and already filed today joint petition for compromise along with Memorandum of Settlement. They pray for recording evidence of applicant and authorized representative of the OP/Company Mr. Prasenjit Dutta, Chief Financial Officer in support of said joint petition for compromise.

Perused the joint petition for compromise along with Memorandum of Settlement. Considered. Case record is, accordingly, taken up for recording evidence of applicant and authorized representative of the OP/Company Mr. Prasenjit Dutta, Chief Financial Officer in support of joint petition for compromise.

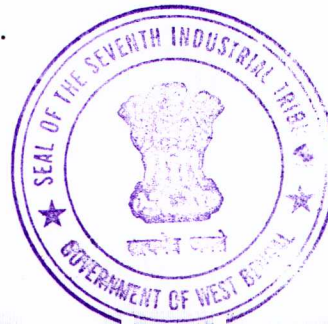
Applicant Rajendra Kumar Thakur is examined, cross-examination is declined and discharged as PW-1.

Mr. Prasenjit Dutta, Chief Financial Officer of the OP/Company, is examined, cross-examined and discharged as OPW-2. Letter of authorization is marked as Exbt.-J.

Heard Ld. Advocates for both the sides. Considered.

The case record is taken up for passing order.

This is a case under Section 10(1B)(d) of the Industrial Disputes Act, 1947 filed by Sri Rajendra Kumar Thakur against his employer M/s. The Calcutta Stock Exchange Ltd. in connection with termination of his service w.e.f. 01.08.2011.



Contd....

Perused the joint petition for compromise along with Memorandum of Settlement, petition under Section 10(1B)(d) of the Industrial Disputes Act, 1947 as well as evidence of the applicant Sri Rajendra Kumar Thakur (PW-1) and Sri Prasenjit Dutta (OPW-2), so adduced in support of said compromise petition. It appears from the evidence of PW-1 and OPW-2 that the matter in dispute has already been settled in between the parties in view of the terms and conditions as mentioned in the Memorandum of Settlement, so annexed with the petition for compromise. I further find from the said Memorandum of Settlement as well as from the evidence of both parties that the company has agreed to reinstate the applicant in his service w.e.f. 1st October, 2019 and his service would be considered as continuity from the date of his first joining in the OP/Company till the date of retirement for gratuity purpose only.

The joint compromise petition dated 19.09.2019 and Memorandum of Settlement dated 17.09.2019, which is filed today, have duly been signed by the applicant Sri Rajendra Kumar Thakur and Sri Prasenjit Dutta, on behalf of the OP/Company voluntarily. Since the matter has already been settled between the parties to the proceedings, I am of the view that this Tribunal should not stand in the way of their such settlement / compromise, which appears to be legal and valid, and so, this Tribunal finds no impediment in allowing such prayer, made jointly by the parties voluntarily.

Hence, it is,

O R D E R E D

that the joint petition of compromise dated 19.09.2019 is allowed and accordingly, the Case No.32 of 2014 under Section 10(1B)(d) of the Industrial Disputes Act, 1947 be and the same is disposed of in terms of the Memorandum of Settlement dated 17.09.2019.

The OP/Company is hereby directed to reinstate the applicant / workman namely, Sri Rajendra Kumar Thakur w.e.f. 1st October, 2019 in view of the terms and conditions of the Memorandum of Settlement dated 17.09.2019.

The joint petition of compromise dated 19.09.2019 and Memorandum of Settlement dated 17.09.2019, be made part of the Award.

This is my **Award**.

Let a copy of this Order/Award be supplied to the applicant free of cost and another copy of this Order/Award be also supplied to the OP/Company free of cost.

Dictated & corrected by me

sd/-

Judge

Judge
Seventh Industrial Tribunal
Kolkata, W.B.

sd/-

(Ashis Kumar Das)
Judge
Seventh Industrial Tribunal
19-09-2019

Judge
Seventh Industrial Tribunal
Kolkata, W.B.

