

Government of West Bengal
Labour Department
I.R. Branch
N.S. Buildings, 12th Floor, Kol-1

No.Labr./106/(LC-IR)/22015(16)/295/2019

Date : 31.01.2019

ORDER

WHEREAS an industrial dispute existed between Shri Mohit Paul, residing at Krishnapur, Mondalpara, P.O.-Krishnapur, Ghosepara, Kolkata-700 102 and M/s Chanda & Co. Engineering Pvt. Ltd., 228, Shyamnagar Road, South Dum Dum Road, Kolkata-700 055 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 filed an application under section 10(1B)(d) of the Industrial Dispute Act, 1947 (14 of 1947) to the Judge, Second Labour Court, Kolkata, specified for this purpose under this Department's Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, the said Judge, Second Labour Court 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 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./106/1(5)/(LC-IR)

Date : 31.01.2019

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

1. **M/s Chanda & Co. Engineering Pvt. Ltd., 228, Shyamnagar Road, South Dum Dum Road, Kolkata-700 055**
2. **Shri Mohit Paul, residing at Krishnapur, Mondalpara, P.O.-Krishnapur, Ghosepara, Kolkata-700 102.**
3. **The Deputy Labour Commissioner, W.B., In-Charge of Labour Gazette, 6, Church Lane, 4th Floor, Kolkata-700 001.**
4. **The Labour Commissioner, W.B., N.S. Buildgs.(11th Floor),1, K.S. Roy Road, Kol-1.**
- ✓ 5. **The O.S.D. IT Cell, Labour Department, with the request to cast the Award in the Department's Website.**


**Deputy Secretary to the
Government of West Bengal**

No. Labr./106/2(2)/(LC-IR)

Date : 31.01.2019

Copy forwarded for information to :-

1. **The Judge, Second Labour Court, West Bengal, with respect to his Memo No.2074-L.T. Dated 11.10.2018**
2. **The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.**

**Deputy Secretary to the
Government of West Bengal**

An application U/s. 10(1B)(d) of the Industrial Disputes Act, 1947 filed by **Mohit Paul**, Krishnapur, Mondalpara, P.O-Krishnapur, Ghosepara, Kolkata-700 102 against **M/s. Chanda & Co. Engineering Pvt. Ltd**, 228, Shyamnagar Road, South Dum Dum Road, Kolkata-700 055.

(Case No. 27/09 U/s. 10(1B)(d) of Industrial Disputes Act, 1947)

BEFORE THE SECOND LABOUR COURT, WEST BENGAL, KOLKATA

PRESENT: **SRI ARABINDA PANTI**, JUDGE
SECOND LABOUR COURT
KOLKATA

Date : 01.10.2018

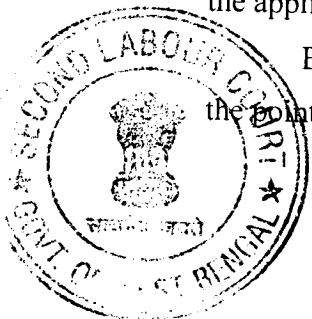
A W A R D (in terms of compromise)

The case of the petitioner in short is that he was an employee under M/s. Chanda & CO. Engineering Pvt. Ltd. on and from the year 1985 and he rendered service as a turner (Lathe man). His service was permanent in nature.

It is further stated that he received a notice from the O.P. on 31.07.2006 wherein it was alleged that this applicant did not allow Sri Pranab Chakraborty, Senior Technical Supervisor to work on 02.06.2005 in the Engineering works. It was further alleged that this applicant abused Mr. Chakraborty and some workmen who further started working. Sri Chakraborty further reported the company on 10.06.2005 that Mr. Paul restrained another senior worker Sri Bidyut Ghosh and other willing workers to work in the factory. He misbehaved with them. The company issued a show cause notice to the applicant. He denied all allegations levelled against him. Subsequently, the company conducted domestic enquiry and issued charge sheet against the applicant. Ultimately, the company terminated his service by order dated 03.10.2007. He preferred the matter to the Labour Commissioner seeking for intervention in the unjustified termination. Having no fruitful result, the applicant filed the instant case praying for reinstatement of service and full back wages.

The Opposite Party Company filed written statement supporting the termination of the applicant and denying all the claims and allegations of the applicant.

Both sides filed their relied upon documents. Hearing of argument was going on the point of validity of domestic enquiry. Order was passed holding that the domestic



enquiry was improper and invalid. Thereafter, hearing of this case on merit was started. At this stage both the parties filed a joint compromise petition on 01.10.2018.

Hearing of the compromise petition was taken up by this court. The applicant was examined as P.W.1. On the other hand one Mr. Pradip Dey, one of the Directors of the company deposed as O.P.W.1.

Now, this court peruses the oral testimonies of both sides and the joint compromise petition. It appears from the petition as well as from the evidences that both the parties signed on the compromise petition voluntarily, without any pressure or influence. The matter has been settled out of court depending on certain terms and conditions. It has been agreed by and between the parties that the Opposite Party would pay a lump sum money of Rs. 5,00,000/-, (Five Lakhs) altogether to the applicant in four equal monthly installments @ Rs. 1,25,000/- . The O.P. has issued a cheque for the first installment bearing No. 765987, dated 01.10.2018 amounting to Rs. 1,25,000/- in favour of the applicant. The said cheque has been drawn on Indian Overseas Bank, Lansdowne Market Branch, Kolkata. It has been further agreed that the Opposite Party should directly credit the remaining three installments within 10th day of each succeeding month starting from the month of November, 2018 in account No. 0918010148717 of Mr. Mohit Paul in the United Bank of India, Krishnapur Bazar Branch. It has been further agreed that the applicant shall not claim reinstatement of service and he shall have no further claim.

Now, this court turns its eyes towards the terms and conditions of the compromise petition, which appear to be valid, legal and sufficient.

In view of the above, the instant case be Awarded on compromise.

Hence, it is

Ordered

that the instant case filed U/s. 10(1B)(d) of the Industrial Disputes Act, 1947 be and the same is disposed of in terms of the compromise petition filed on 01.10.2018. Let the compromise petition be made part of the award.

Dictated and corrected by me

sd
Judge



sd
(Arabinda Panti)
Judge, 2nd Labour Court
Kolkata
01.10.2018

Judge
Second Labour Court W.B.