

File No. LABR-22015(16)/253/2019-IR SEC-Dept. of LABOUR
1/37793/2019

Government of West Bengal
Labour Department
I.R. Branch
N.S.Bldgs., 12th floor
1, K.S.Roy Road, Kol-1.

No. Labr/136/(LC-IR)
22015(16)/253/2019

Dated, 07.02.19.

ORDER

WHEREAS under the Government of West Bengal, Labour Department, Order No.837-I.R. dated 18.08.18 the Industrial Dispute between Messers Atindra Cinema, 91, Ghoshpara Road, Barrackpore and their workman Sri Bikash Ch. Ghosh, Vill.-Barokathalia, P.O.-Shiuli, Telenipara, Barrackpore, dist. – North 24 Parganas regarding the issue mentioned in the said order, being a matter specified in the Second Schedule to the Industrial Disputes Act, 1947 (14 of 1947), was referred for adjudication to the Judge, Second Industrial Tribunal, West Bengal.

AND WHEREAS the Judge of the said 2nd Industrial Tribunal, West Bengal has submitted to the State Government its award 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/136/1(5)(LC-IR)

Dated, 07.02.19.

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

1. M/s. Atindra Cinema, 91, Ghoshpara Road, Barrackpore, Dist. North 24 Parganas.
2. Sri Bikash Ch. Ghosh, Vill.-Barokathalia, P.O.-Shiuli, Telenipara, Barrackpore, Dist.- North 24 Parganas.
3. The Assistant Labour Commissioner, West Bengal, In-Charge, Labour Gazette.
4. The Labour Commissioner, West Bengal, New Secretariat Buildings, 1, K.S. Roy Road, 11th floor, Kolkata-700 001,
- ✓ 5. The O.S.D., IT Cell, Labour Deptt., with the request to cast the Award in the Department's website.



Deputy Secretary

P/2

No.Labr/136/2(2)(LC-IR)

Dated, 07.02.19.

Copy forwarded for information :-

1. The Judge, Second Industrial Tribunal, West Bengal with reference to his Memo No.103-L.T. dated 16.01.19.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata-700 001.

Jnt/IR/order

Deputy Secretary

Handwritten signature/initials

In the matter of an industrial dispute between M/s. Atindra Cinema, 91, Ghoshpara Road, Barrackpore, and their workman Sri Bikash Ch. Ghosh of Vill. – Barokathalia, P.O. – Shiuli, Telenipara, Barrackpore within Dist. 24-Parganas(N). (Case No. VIII-33/2011).

BEFORE THE SECOND INDUSTRIAL TRIBUNAL: WEST BENGAL

PRESENT: SHRI SRIBASH CHANDRA DAS, JUDGE,

SECOND INDUSTRIAL TRIBUNAL, KOLKATA

Date of passing award – 11.01.2019

A W A R D

It appears that due to filing of a verified petition by Ld. Lawyer for the workman Sri Bikash Ch. Ghosh on 08.01.2019, passing of an order in this case has become necessary. This case arose by order of reference being No. 837-I.R./IR/11L-159/2011 dt. 18.08.2011 by order of Governor of the State of West Bengal signed by Mr. M. Roy, Deputy Secretary to the Government of West Bengal, Labour Department, I.R. Branch, Writers' Buildings, Kolkata – 700001 in the way that an industrial dispute exists between the company M/s. Atindra Cinema, 91, Ghoshpara Road, Barrackpore within Dist. 24-Parganas(N) and their workman Sri Bikash Ch. Ghosh of Barokathalia, Siuli, Telenipara in Barrackpore in Dist. 24-Parganas(N) relating to issues as mentioned in the order of reference stated to be specified in second schedule to the Industrial Disputes Act, 1947, further mentioning that it became expedient that the said dispute should be referred to an Industrial Tribunal constituted U/s. 7A of the Industrial Disputes Act, 1947 and then in exercising of power conferred by Section 10 read with Section 2A of the Industrial Disputes Act, 1947, the Governor became pleased by this order of reference to refer this dispute to this Tribunal stated to be constituted under Notification No. 808-I.R./IR/3A-2/57 dt. 11.03.1957 for adjudication requiring this Tribunal to submit its award to the State Government within three months from the date of receipt order of reference by this Tribunal in terms of sub-section 2A of Section 10 of Industrial Disputes Act, 1947 and other provisions of the Act, the issues that have been framed in the order of reference are:

- 1) Whether the dismissal of service of Sri Bikash Ch. Ghosh w.e.f. 28.09.2010 by the management of the company M/s. Atindra Cinema is justified?
- 2) What relief, if any, the workman is entitled?

After receiving this order of reference, both parties appeared and engaging lawyers, they also filed their respective written statement along with supporting documents and then the case was fixed for hearing on merit and during that stage the

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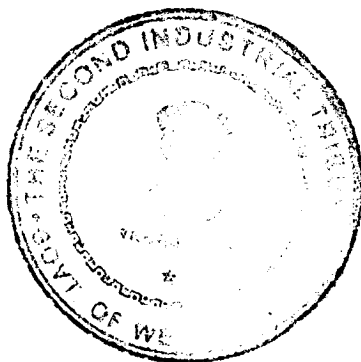


workman Bikash Ch. Ghosh adduced evidence as witness (P.W.-1) and also adduced documentary evidences and after conclusion of his evidence, the company started adducing evidence and on behalf of company Mr. Achinta Singha Roy started examining himself as O.P.W.- 1 and his examination-in-chief was completed and his cross-examination was going on. At this stage the workman filed the above-mentioned verified petition on 08.01.2019 engaging lawyer Miss Sohini Pal who also filed vokatnama on his behalf and this petition was also verified by Achinta Singha Roy on behalf of company and for this purpose Mr. Roy also engaged lawyer Mrs. Sohini Bhattacharjee and by that petition workman prayed for dismissal of the case on non-prosecution on the ground that the workman has settled the case amicably with the management of the company after receiving money of Rs. 2 lakhs only. Ld. Lawyers of both sides uniformly then submitted that both parties have amicably settled the case and for this purpose the workman has received money of Rs. 2 lakhs from the management of the company and consequently the workman does not like to proceed with the case and on behalf of management of the company Mr. Achinta Singha Roy has also made a verification in that petition.

On the matter of the petition as mentioned above workman Bikash Ch. Ghosh (P.W.-1) was further examined and on oath he has stated that he has settled the case amicably with the management of the company after receiving money of Rs. 2 lakhs and for that reason he does not like to proceed with the case any further and his prayer is for dismissal of the case on non-prosecution. This P.W.-1 was also examined by Court and then he stated that he does not have anything further to say. As O.P.W.-1 Sri Achinta Singha Roy also deposed on oath on that petition and he has also stated that the matter of this has been settled amicably and for this purpose he has already given Rs. 2 lakhs and out of the same Rs. 10,000/- was paid in cash and the rest by cheque in favour of the workman.

The contention of the petition is for dismissal of the case due to amicable settlement and Ld. Lawyers of both sides also uniformly submitted the same. After examining workman Bikash Ch. Ghosh as P.W.-1 and Sri Achinta Singha Roy on behalf of management of the company as O.P.W.- 1 over the above-mentioned petition, it is established that the workman has amicably settled the case with the management of the company and for this purpose he has received Rs. 2 lakhs from the management of the company. Under such circumstances it is coming out that the industrial dispute arising

Contd. page ...3



out of the order of reference as mentioned above has become meritless and is no longer in existence. Accordingly, appropriate order is required to be passed.

It is therefore,

ORDERED,

that the dispute arising out of order of reference vide No. 837-I.R./IR/11L-159/2011 dt. 18.08.2011 by order of Governor of West Bengal signed by Mr. Roy, Deputy Secretary to the Government of West Bengal, Labour Department, I.R. Branch, Writers' Buildings, Kolkata – 700001 is disposed of in terms of the contention of petition dt. 08.01.2019 mentioning amicable settlement between the parties and the issues in the order of reference as mentioned above are also decided as per terms of the contention of the petition (Dt. 08.01.2019) and the petition dt. 08.01.2019 (verified by both parties) is made part of this order and this order is to be treated as award of this Tribunal in terms of order of reference as mentioned above and it is directed that the parties shall bear their respective costs. Necessary number of copies of this award be prepared and send to the appropriate government i.e. Principal Secretary to the Government of West Bengal, Labour Department, New Secretariat Buildings, 12th floor, 1, K.S. Roy Road, Kolkata – 700001.

Dictated & corrected by me.

sdr
Judge

sdr

Judge
2nd Industrial Tribunal
11.01.2019

