

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

No. L.A.No. 1229 (LE-IR)

Date 27.02.19

**ORDER**

WHEREAS an industrial dispute existed between M/S Shibrampur Bhusan Chandra Halder Memorial Seva Sadan, Biren Roy Road(West), Vill+ P.O. Jote Shibrampur, P.S. Maheshtala, Dist- 24 Parganas ( S) Kolkata-141 and their workman Sri Subir Mondal, Krishnarampur, Ashuti, Maheshtala, 24 Pgs (S)Kolkata-141 regarding the issues being a matter specified in the Second schedule of the Industrial Dispute act, 1947 (14of 1947);

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

AND WHEREAS the Judge of the said Industrial Tribunal heard the Parties and framed the following issues as the "Issue" of the said dispute;

**ISSUES**

1. Whether the termination of service of Sri Subir Mondal w.e.f. 05.10.2017 is Justified?
2. To what relief the applicant is legally entitled to ?

AND WHEREAS the said Judge, Eighth Industrial Tribunal has submitted to the State Government its Award on the said 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

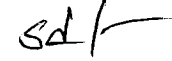
19

No. Labr/229/1(2)(LC-IR)

Dated ..27..02..19.

Copy forwarded for information to :

1. The Judge, Eighth Industrial Tribunal with reference to his Memo No. 190-LT dated 07/02/2019.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.



Deputy Secretary

No. Labr/229/2(5)(LC-IR)

Dated ..27..02..19.

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

1. M/s :Shibrampur Bhusan Chandra Halder Memorial Seva Sadan, Biren Roy Road(West), Vill+ P.O. Jote Shibrampur,P.S. Maheshtola, Dist- 24 Parganas ( S) Kolkata-141 .
2. Sri Subir Mondal, Krishnarampur, Ashuti, Maheshtala, 24 Pgs (S)Kolkata-141 .
3. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
4. The Labour Commissioner, W.B., New Secretariat Building (11<sup>th</sup> 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

BEFORE THE EIGHTH INDUSTRIAL TRIBUNAL, WEST BENGAL  
PRESENT: **SHRI MADHU SUDAN DUTTA, JUDGE, EIGHTH INDUSTRIAL  
TRIBUNAL.**

**CASE NO.02/2A (2) of 2018**

SHRI SUBIR MONDAL OF KRISHNARAMPUR, ASHUTI, MAHESHTALA,  
24 PARGANAS (SOUTH), KOLKATA- 700-141

.... Applicant

-VS-

M/S. SHIBRAMPUR BHUSAN CHANDRA HALDER MEMORIAL SEVA SADAN,  
BIREN ROY ROAD (WEST), VILL. & P.O. JOTE SHIBRAMPUR, P.S.  
MAHESHTALA, DISTRICT – 24 PARGANAS (SOUTH), KOLKATA- 700 141

....Opposite Party

**AWARD**

The case is filed by the applicant Sri Subir Mondal u/s 2A (2) of the Industrial Tribunal Act 1947 (as amended) against his employer the O.P. M/S. Shibrapore Bhusan Chandra Halder Memorial Seva Sadan, in connection with the termination of his service by his employer seeking order that the same is illegal, reinstatement in service with the full back wages and consequential benefits.

Record reveals that notice was sent to the O.P. on 30.10.2018. The applicant filed petition along with the postal track records of the notice sent to the O.P. from which it is evident that on 07.12.2018 the notice has been duly served upon the O.P. Company but as the O.P. Organisation in spite of receiving the notice did not appear, the instant case proceeded ex - parte after framing of the following issues:

1. Whether the termination of service of Sri Subir Mondal w.e.f. 05.10.2017 is justified?
2. To what relief the applicant is legally entitled to?

**DECISION WITH REASONS**

The applicant in his evidence in chief has stated that he came in the employment roll of the O.P. Organisation on and from 10.01.2006 as X- Ray Technician vide Ext. 1 and rendered his service for more than 11 years. His last drawn salary was Rs. 6000/-. He has further stated that the O.P. Management followed an anti-labour policy and without implementing statutory benefits i.e. P.F., E.S.I., House Rent allowances, even did not pay the minimum wages. He approached for redressal of his grievances to the management as a result he became the eye shore of the management and ultimately, he was terminated vide letter dated, 04.10.2017 (Ext. 3) violating settled principle of natural justice without giving opportunity of being heard. He has further stated that finding no other alternative he sent a demand of justice on 16.01.2018 (Ext. 4) which was duly served (Ext. 5) upon the O.P. Company. His sincere efforts yielded no effect due to the arrogant and non-compromising attitude of O.P. Management.

He has specifically stated that the O.P. Management terminated him from his employment under their whims and did not follow any disciplinary proceedings against him, even no charge sheet or show cause notice was issued and/or any domestic enquiry was conducted. He has further stated that he has not been gainfully employed elsewhere from the date of his termination till date. Under the said circumstances he prayed for the reinstatement in his service with full back wages and other consequential benefits.

Thereafter he took the shelter before the conciliatory machinery of the Government vide his letter dated 12.02.2018 (Ext. 6). Without getting any response from the office of the Labour Department he filed the instant case u/s 2A (2) of the Industrial Dispute Act, 1947 (as amended) after expiry of 45 days.

Therefore, in view of the un assailed evidence of the applicant supported by the relevant documents, I hold that the applicant has been able to prove his case ex-parte.

Thus, the issues are decided ex-parte in favour of the applicant.

Hence, it is,

**O R D E R E D**

That the Case No. 02 of 2018 u/s 2A (2) of the I.D. Act, 1947 filed by Sri Subir Mondal against the O.P. M/s. Shibrampur Bhusan Chandra Halder Memorial Seva Sadan, is awarded ex-parte against the O.P. company without cost.

The refusal of employment of the applicant Sri Subir Mondal by the management of the O.P. company w.e.f. 05.10.2017 is declared illegal and unjustified.

The O.P. Company is directed to reinstate the applicant Sri Subir Mondal in service within 1(one) month from the date of publication of this Award.

The O.P. Company is also directed to pay all the back wages and other consequential benefits to the applicant with effect from the date of termination.

This is my Award.

Let a copy of this Award be sent to the Addl. Chief Secretary, Government of West Bengal, Labour Department, New Secretariat Buildings, Kolkata – 700001 for information and necessary action.

Dictated & corrected by me.

Sd/- M. S. Dutta  
Judge  
Eighth Industrial Tribunal,

Sd/- M. S. Dutta  
(Madhu Sudan Dutta)  
Judge,  
Eighth Industrial Tribunal,  
Kolkata.  
04.02.2019

