

I/39860/2019

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

No. Labr/230/(LC-IR)

Date : 27.02.19

**ORDER**

WHEREAS under the Government of West Bengal, Labour Department Order No. Labr/277/(LC-IR)/ IR/11L-42/17 dated 27.06.2017 the Industrial Dispute between M/s Tera Software Ltd., AA-3, 2<sup>nd</sup> Floor, Salt Lake, Sector-I, Kolkata-64 and their workman Sk. Samsuddin Ahammed, S/O Marhum Sk. Rabial Hossain, Vill. Kesabpur, Purbapara, P.O. Sankari, Dist- Burdwan, Pin-713142 regarding the issue mentioned in the said order, being a matter specified in the Third Schedule to the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Judge, Seventh Industrial Tribunal, West Bengal.

AND WHEREAS the Judge of the said Seventh 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 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)

By order of the Governor,



Deputy Secretary

to the Government of West Bengal

No. Labr/230/1(5)/(LC-IR)

Date : 27.02.19

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

1. M/s Tera Software Ltd., AA-3, 2<sup>nd</sup> Floor, Salt Lake, Sector-I, Kolkata-64 .
2. Sk. Samsuddin Ahammed, S/O: Marhum Sk. Rabial Hossain, Vill. Kesabpur, Purbapara, P.O.: Sankari, Dist- Burdwan, Pin-713142 .
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The Labour Commissioner, W.B. New Secretariate Buildings, 1, K. S. Roy Road, 11<sup>th</sup> Floor, 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/230/2(2)/(LC-IR)

Date : 27.02.19

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal, West Bengal with reference to his Memo No.179 -L.T. dated 06/02/2019 .
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.

Deputy Secretary  
Government of West Bengal.

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

**Present:**

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

**Case No.VIII-12/2017**

In the matter of an industrial dispute exists between M/s. Tera Software Ltd., AA-3, 2<sup>nd</sup> Floor, Salt Lake, Sector-I, Kolkata-700064 and Sk. Samsuddin Ahammed, S/o. Marhum Sk. Rabial Hossain, Vill.: Kesabpur Purbapara, P.O. : Sankari, P.S. : Khondogosh, Dist. Burdwan, PIN-713142, referred to this Tribunal Vide G.O. No. Labr./277/(LC-IR)/IR/11L-42/17 dated 27.06.2017 for adjudication.

**A W A R D**

Dated : 01-02-2019

**I S S U E ( S ) :**

1. Whether the termination of service of Sk. Samsuddin Ahammed by way of dismissal with effect from 27.08.2016 by the management of Tera Software Ltd. was justified ?
2. What relief, if any, is he entitled to ?

**A W A R D**

Dated : 01-02-2019

Today is fixed for passing order in respect of the joint petition for compromise dated 30.1.2019 filed by both the parties. The case record is taken up for passing order.

Perused the joint compromise petition / Memorandum of Settlement as well as evidence of the workman Sk. Samsuddin Ahamed (PW-1) and Sri Ashim Kumar Bhattacharya (OPW-1), an authorized representative of the company, so adduced in support of said compromise petition. I have also perused the photocopy of the Aadhar Card of the workman (Exhibit-11) and an authorization letter (Exhibit-A). It appears from the evidence of PW-1 and OPW-1 that the matter in dispute has already been settled in between the parties in view of the terms and conditions as mentioned in the compromise petition. I further find from the said compromise petition that the company shall hand over the appointment letter to the workman on the date of filing of the instant petition, which shall be applicable from the date of the Award. Also perused the photocopy of the said appointment letter dated 30.1.2019, which has also been filed with the compromise petition. Considered.

The joint compromise petition dated 30.1.2019 has duly been signed by the applicant/workman and Sri Rajat Das, Senior Project Manager, on behalf of the company. Since the matter has already been settled between the parties to the proceeding, 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.

Hence, it is,

**Ordered**

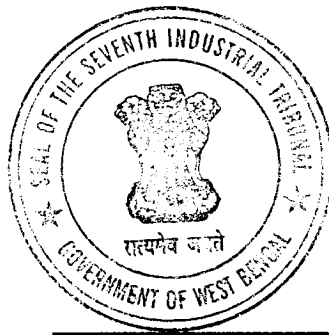
that the proceeding be and the same is disposed of in terms of the Memorandum of Settlement dated 30.1.2019, which do form part of the Award.

This is my Award.

Dictated & corrected by me

*sdf*  
Judge

Judge  
Seventh Industrial Tribunal



*sdf*  
(Ashis Kumar Das)  
Judge

Judge  
Seventh Industrial Tribunal  
Kolkata  
Seventh Industrial Tribunal  
01-02-2019

Before the Learned Industrial Tribunal, 7<sup>th</sup> Bench at Kolkata

Case no- VIII 12 of 2017

In the matter of:

Samsuddin Ahmed Sekh @ Sk.Samsuddin

Son of Sk. Rafial Hossain, residing at

Keshabpur, Purbapara Shankari,

Khandoghosh, Burdwan-713424

.....Applicant Workman

-Versus-

Terra Software Ltd, a company registered

in accordance to the provisions of

Companies Act 1956 having its office at

AA-3, 2<sup>ND</sup> floor, Salt Lake, Sector-I,

Kolkata-700064.

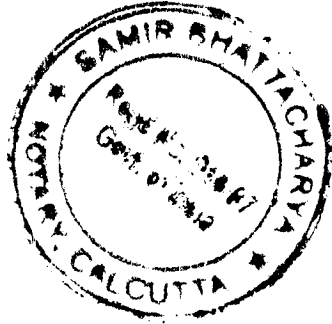
.....Defendant Company

In the matter of:

A joint application for compromise as preferred  
by the above parties.

Most Respectfully Sheweth:

1. Your petitioners state that this instant Industrial Dispute was referred by the Assistant Labour Commissioner, Burdwan, under order no. LABR./277/LC-IR/IR/11L-42/2017) dated 26/06/2017.
2. Your petitioners state that both the workman and the defendant company has entered their respective appearance and has been contesting this instant case by filing their written statements.



Filed by:  
Aban  
Aban

Filed by:  
Tahyida  
Tahyida

SK. Samsuddin Ahmed

FOR TERRA SOFTWARE LIMITED  
Senior Project Manager

Filed by:  
 Adv. Samudra  
 Adv. Adarsh  
 Filed by:  
 Tahagato Mjinda  
 SK. Samudra Ahmed

3. Your petitioners state that the workman / applicant has adduced his evidence and his cross examination has been concluded, thereby fixing this instant case for adducing of evidence by the defendant company.

4. Your petitioner states that the applicant workman and the defendant company have settled the dispute amicably among themselves.

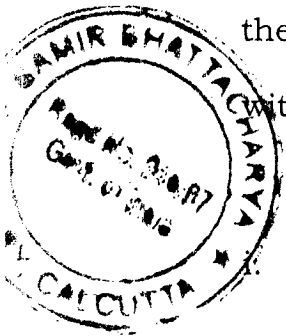
5. Your petitioners state that in such out of court , amicable settlement the parties has agreed to file this instant joint compromise petition with the following terms and conditions as stated here in below:

Terms and conditions as agreed by and between the parties

The applicant workman shall withdraw this instant case being no. VIII 12 of 2017 and shall not file any other case / application hereinafter on the self-same issues;

- ii. The defendant company shall issue a letter of appointment in favour of the applicant workman with effect from the date of judgment of this case;
- iii. The applicant workman shall not raise any back claim against the defendant company;
- iv. The appointment as issued by the company shall be a fresh appointment without having any back wages;
- v. This instant joint compromise application shall be effective from the date of order/ judgment of his instant case and shall form a part of the judgment;
- vi. That the defendant company shall hand over the appointment letter to this petitioner on the date of filing of this instant application, which shall be applicable from the date of judgment;

For TERA SOFTWARE LIMITED  
 Senior Project Manager.  
 [Signature]



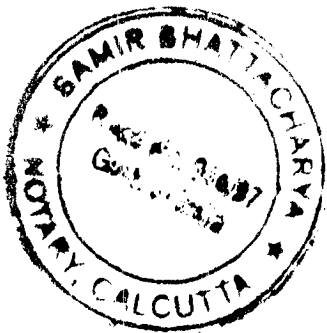
Filed by:  
Atan Bhowmik  
Advocate

Filed by  
Tahyara Mian  
Advocate

SK: Sam Suddin Ahmed

- vii. The terms and conditions here in above are interlinked and inseparable;
6. Your petitioners has preferred this instant application thereby praying for disposal of this instant case and also present Industrial Dispute by a judgment on the basis of this joint compromise petition.
7. Your petitioners shall suffer from an irreparable loss and injury unless an order as prayed for is passed.
8. Your petitioners state that this instant application has been preferred in free mind and consent and without any force , fraud or undue influence.
9. This application has been made bona-fide and for the ends of justice.

FOOTERA SOFTWARE LIMITED  
Senior Project Manager



In this premises Your Petitioners most humbly prays that Your Honour may be graciously pleased to pass an order, thereby disposing off this instant Industrial Dispute being case no. VIII-12 of 2017 on the basis of his instant joint compromise petition by the parties and/ or to pass such other order/orders as Your Honour may deem fit and proper.

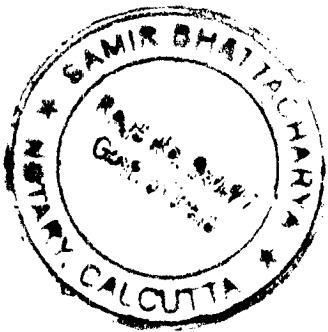
And for such act of kindness Your Petitioner as in duty bound shall ever pray.

*h us*

**AFFIDAVIT**

I , Samsuddin Ahmed Seikh @ Sk. Samsuddin, son of Sk. Rabial, by faith -Muslim, by occupation-unemployed, by nationality -Indian, aged about -50 years, residing at- Keshabpur, Purbapara ,Shankari, Khandoghosh, District-Burdwan, PIN-713424, do hereby solemnly affirm and state as follows:

1. That I am the applicant workman of this instant case and as such being conversant with the facts and circumstances of this instant case, I am competent to swear this instant affidavit.
2. That the statements made in foregoing paragraphs no. 1 to of this application as marked 'X' with this instant affidavit are true to my knowledge and belief and the rest are my humble submission before this Learned Court.



*Sk. Samsuddin Ahmed.*

Deponent

Identified by me

*Tathagata Majumdar*

Advocate

Solemnly Affirmed and  
Declared before me U/S 139  
CPC / 1/1929 (C) CRPC

Notary

*30.1.19*

*Samir Bhattacharya*  
Notary, Govt. of India  
Resd. No.-940/97  
City Civil Court, Calcutta

30 JAN 2019

**AFFIDAVIT**

I, Rajat Das, Son of Shri Gouranga Das, aged about 43 years, by faith Hindu, by occupation service, residing at 122 KMD Road, PO- , PS- Dum Dum, Kolkata - 700 065 do hereby solemnly affirm and say as follows:

1. That I am the Senior Project Manager of M/S Tera Software Ltd. and being authorized by the company to look after the instant matter, as such I am competent to affirm this affidavit.
2. That all the statements made in application are true to my knowledge as derived from the records.
3. That the statements made in this affidavit are true to my knowledge.

This is true to my knowledge.

For TERA SOFTWARE LIMITED

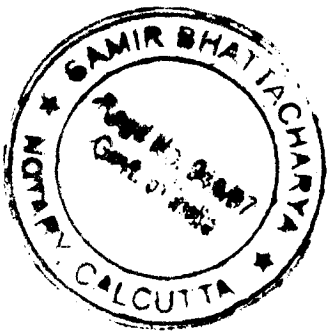
*Rajat Das*  
Senior Project Manager.

Deponent

Deponent is identified by me:

*Adam Trilokbarty*

Advocate



Solemnly Affirmed and  
Declared before me U/S 134,  
CPC / U / 1997 (C) Cr.P.C.

*30.1.19*  
Samir Bhatnagar  
Notary, Govt. of India  
Regd. No. - 940/97  
City Civil Court, Calcutta

30 JAN 2019