

I/26398/2018

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

No. Labr. 1689/1 (Le-IR)Date : ...11-09-18

ORDER

WHEREAS an industrial dispute existed between Sri Deep Singha Roy, 28, Ferry Ghat Road, P.O. Athpur, 24 Parganas (North)-743128 and M/S Novartis India Limited, 4/1/1, Meher Ali Road, 3rd Floor, Park circus, Kolkata-700017 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, Seventh Industrial Tribunal specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS the said Judge Seventh Industrial Tribunal 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)

By order of the Governor,



Deputy Secretary
to the Government of West Bengal

Contd. P-2

2018


: 2 :

No. Laber. 689/1(5)/(Le-IR)

Date11-09-18...

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

1. M/S Novartis India Limited, 4/1/1, Meher Ali Road, 3rd Floor, Park Circus, Kolkata-700017 .
2. Sri Deep Singha Roy, 28, Ferry Ghat Road, P.O. Athpur, 24 Parganas (North)-743128 .
- 3.The Deputy Labour Commissioner, W.B. In-Charge, Labour Gazette, 6, Church Lane, 4th Floor, Kolkata- 700 001.
- 4.The 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. Laber. 689/2(2)/(Le-IR).

Date11-09-18.

- Copy forwarded for information to :-
1. The Judge, Seventh Industrial Tribunal, West Bengal, with respect to his Memo No. 1436 L.T. dated 13.07.2018.
 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 Avani Pal Singh, Judge, Seventh Industrial Tribunal

CASE NO. 12/2014; u/s. 10(1B)(d) of the I.D. Act, 1947

Sri Deep Singha Roy, 28, Ferry Ghat Road,
P.O. Athpur, 24-Parganas (North) – 743128.

...Applicant.

-versus-

M/s. Novartis India Limited, 4/1/1, Meher Ali Road,
3rd Floor, Park Circus, Kolkata – 700 017.

...OP/Company.

AWARD

Dated : 28-06-2018

The instant case No.12/ 10(1B)(d) / 2014 came to be registered on 10.03.2014 upon filing of an application dated 10.03.2014 by the workman **Sri Deep Singha Roy** under Section 10(1B)(d) of the Industrial Disputes Act, 1947 (together with letter of authority and service copies of the application), wherein the said Sri Deep Singha Roy raised an industrial dispute against his employer M/s. Novartis India Limited, with its Head Office at : Sandoz House, 7th Floor, Shivsagar Estate, Dr. Annie Besant Road, Worli, Mumbai – 400018 and having its West Bengal Office at : 4/1/1, Meher Ali Road, 3rd Floor, Park Circus, Kolkata – 700 017, alleging wrongful and illegal termination of service by the said employer and seeking reinstatement in service with full back wages and consequential benefits.

Upon registration of the instant case, notice was issued, along with copy of such application, upon the OP/Company M/s. Novartis India Ltd. with direction to appear and file their written statement.

The parties filed their respective statement(s) of facts and list(s) of documents, upon which the matter went into evidence. Evidence by the parties was closed on 23.11.2017, and thereafter the matter was fixed for hearing argument(s). During arguments, the parties entered into a mutual settlement. Accordingly, they have filed a joint-petition along with a Memorandum of Settlement, with a prayer for passing an Award in terms of the settlement. The concerned applicant Sri Deep Singha Roy and Sri Durga Nand Singh, the authorized representative / signatory of the O.P./Company M/s. Novartis India Ltd. have deposed in support of their joint-petition of compromise and the terms of the Memorandum of Settlement.

skl



Contd.....P/2.

(2)

In terms of the settlement, the workman Sri Deep Singha Roy has received demand draft No.301480 dated 04.05.2018 issued by the banker of the OP/Company being the separation amount of Rs.2,50,000/-(Rupees two lakh fifty thousand only) as well as Cheque No.301802 of value Rs.70,881/-(Rupees Seventy Thousand Eight Hundred & Eighty One only) drawn on CITI Bank, Fort Mumbai Branch of Account No. 2300121001127 of the OP/Company, towards the outstanding pay etc. as detailed in the receipt annexed with the Memorandum of Settlement.

Having examined the Memorandum of Settlement and the joint petition for compromise, as well as the evidence adduced by the parties, this Tribunal finds no impediment in allowing the prayers, made jointly by the parties, for passing of an Award, in terms of the Memorandum of Settlement duly executed by and between the parties. Let the **instant Case No. 12/10(1B)(d)/2014 be disposed of in terms of Memorandum of Settlement** in between the parties filed this day, **which do form part of the Award.**

The aforesaid shall **constitute the Award** passed in the instant case.

Dictated & corrected by me

sdt
Judge

sdt
Seventh Industrial Tribunal



sdt
(Avani Pal Singh)
Judge
Seventh Industrial Tribunal
Kolkata
28-06-2018

Judge
Seventh Industrial Tribunal

Deep Singh Roy
Shri Deep Singh Roy
Deputy Secy
28/06/18

BEFORE THE LEARNED SEVENTH INDUSTRIAL TRIBUNAL, WEST BENGAL

At Kolkata.

Case NO. 12/ of 2014 U/s 10(1B) of the
Industrial Disputes Act 1947(as
Applicable in W.B.)

-Between-

Shri Deep Singha Roy,
C/o Shri Samar Singha Roy,
28, Ferry Ghat Road,
P.O.Athpur, 24 Parganas (North)
Calcutta- 743 128 ... Applicant.

-VS-

Novartis India Limited
Sandoz House, 7th Floor,
Shivsagar Estate,
Dr, Annie Besant Road,
Worli, Mumbai -400 018

Humble Joint Petition on behalf of the
Parties

Most respectfully SHEWEETH:-

1. That the instant matter is pending before the Ld. Tribunal for Adjudication.
2. That the matter has been settled amicably out of Court between Shri Deep Singha Roy and Novartis India Limited. A copy of the Memorandum of Settlement arrived at between both the Parties is annexed herewith for the perusal and record of this Ld. Tribunal.



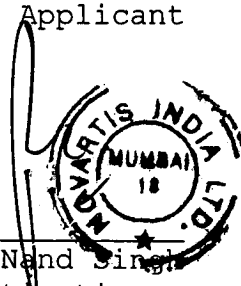
Deep Singha Roy.

3. That the amount agreed between the parties in terms of the aforesaid Memorandum of settlement has already been paid to the Applicant (Shri Deep Singha Roy), receipt of which is annexed with this petition/Memorandum of Settlement.

Under the circumstances it is humbly prayed that Ld. Tribunal graciously be pleased to pass the necessary Award in terms of the Memorandum of Settlement.

And for this act of Kindness your petitioner as in duty bound shall ever pray.

Deep Singha Roy.
Deep Singh Roy
Applicant


Durga Nand Singh
Lead Counsel - Litigation &
Constituted Attorney,
Novartis India Limited

Verification

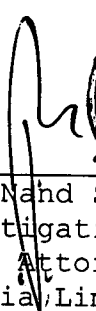
We, Deep Singha Roy, S/o Shri Samar Singha Roy, the Applicant in this case and Durga Nand Singh s/o Shri Shiv Shankar Singh, the Lead Counsel - Litigation and Constituted Attorney, of the Opposite Party, Novartis India Limited, do hereby state and declare that the statements made hereinabove are true to our knowledge and belief save and except those that are our respectful submissions before this Ld. Tribunal.




Deep Singha Roy.

We sign this verification today the day of June 2018 at
Court premises.

Deep Singh Roy.
Deep Singh Roy
Applicant


Durga Nand Singh
Lead Counsel - Litigation &
Constituted Attorney,
Novartis India Limited



MEMORANDUM OF SETTLEMENT

1. Name of the Parties:- Novartis India Limited
Sandoz House, 7th Floor
Sivsagar Estate
Dr. Annie Besant Road
Worli, Mumbai- 400018

AND

Deep Singha Roy,
C/O Shri Samar Singha Roy
28, Ferry Ghat Road,
P.O.Athpur, 24 Parganas
(North), Kolkata-743 128

2. Representing Employer:- Sh. Durga Nand Singh-Lead
Counsel Litigation &
Constituted Attorney,
Novartis India Limited
3. Representing Employee:- Shri Deep Singha Roy,
Concerned Employee
4. Short Recital of the Case:-

The concerned employee Shri Deep Singha Roy had been working as Medical Representative with the Company Novartis India Limited. The Company alleges that he had been underperforming, consequently it offered a separation package of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) plus other legal dues but the concerned employee declined to accept the said



Deep Singha Roy.

separation package as agreed by NEU to which Mr. Deep Singha Roy was a member. The employer thereafter dismissed the concerned employee vide its letter dated 21st December 2013. The concerned employee raised an Industrial Dispute with the Conciliation Officer appointed under the Industrial Disputes Act, at Kolkata, who initiated a Conciliation proceeding under section 12 of the aforesaid Act. Since the conciliation was pending for more than 60 days and dispute could not be settled the concerned employee obtained a certificate of pendency of Conciliation and filed a case U/s 10(1B) of The Industrial Disputes Act 1947 (W.B. Amendment). The said case has been registered as Case No. 12 of 2014U/s 10(1B) before the Ld. Seventh Industrial Tribunal, Kolkata. During pendency of the aforesaid Case the concerned employee sent a mail 30th March, 2018 to employer Company expressing its desire to accept the offer (Separation Package) of it which was given by the Company prior to his dismissal and also to not press any further claim and not to proceed further in case pending before Ld. Seventh Industrial Tribunal being case No. 12 of 2014 U/s 10(1B) (Deep Singha Roy Vs. Novartis India Limited). A copy of the email dated 30th March, 2018 is annexed hereto and marked as ANNEXURE -A. The Company agrees to the said proposal of Shri Deep Singha Roy. Further upon such assurance the Company already paid the amount of separation package, amounting to Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) vide demand draft No. 301480 dated 4th May, 2018 drawn on City Bank,



Deep Singha Roy

Mumbai (the duly signed receipt of which is annexed with this Memorandum of Settlement as ANNEXURE -B). The parties further agreed to the following mutual settlement.

5. Terms of Settlement:- It is agreed by and between the parties:-

(i) That the employer Company paid a sum of Rs.70,881/- (Rupees Seventy Thousand Eight Hundred and Eighty One Only) vide demand draft No. 301802 dated 28th May, 2018 drawn on City Bank, Mumbai being the full and final amount of outstanding legal dues details of which are provided in the final settlement account. A copy of the letter dated 30th May, 2018 along with final settlement of account is annexed hereto and marked as ANNEXURE - C (Colly).

(ii) That on receipt of the aforesaid amount the concerned employee Shri Deep Singha Roy will have no further claim on Novartis India Limited either monetary or for reinstatement/reemployment.

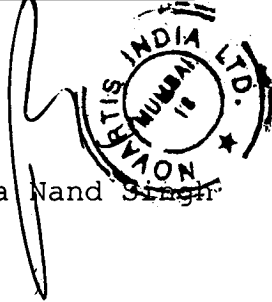
(iii) That a joint petition will be filed before Id. Seventh Industrial Tribunal for passing of an Award in case No.12 of 2014 U/s 10(1B), in terms of this Settlement arrive at between both the parties.



Deep Singha Roy

(iv) In view of the above-mentioned circumstances, the dispute raised by Shri Deep Singha Roy is hereby settled, hence it pray for dismissal.

For the Company



Durga Nand Singh

For the Employee



Deep Singha Roy

Witness:-

1.

2.

From: DEEP SINGHA ROY [mailto:deepsingharoy@gmail.com]
Sent: Friday, March 30, 2018 9:28 AM
To: Mukherjee, Sukanta <sukanta.mukherjee@novartis.com>
Cc: Chaudhuri, Sukanta <sukanta.chaudhuri@novartis.com>
Subject: REQUEST FOR SETTLEMENT OF DEEP SINGHA ROY (80002), ALONG WITH THE DECLARED SEPARATION AMOUNT RS. 2.5 LACS.

Respected Sir,

This is to inform you that, I am Deep Singha Roy, Ex Employee of Novartis India Ltd, E.M.B.U. Division, Cooch Behar (W.B.) Head Quarter. My Employee No. 80002 and SAP No. 40005959. I was terminated from my service on 21.12.2013. Organisation has been declared to me, to pay Rs. 2.5 Lacs, as a separation amount (As last declared Separation amount), in a meeting on 12.02.2014 at Hyatt Regency, New Delhi along with my all pending dues.

Sir, I want to settle my account and also withdraw the amount (Declared Separation amount as well as my all pending dues). Sir, please do the needful as early as possible.

My communication address along with my contact number is given below --

Thanks and Regards,

DEEP SINGHA ROY.
EMPLOYEE NO. - 80002.
SAP NO. - 40005959.

PERMANENT ADDRESS -

28, FERRY GHAT ROAD.
POST - ATHPUR. DIST - 24 PGS (N).
W.B. INDIA. PIN - 743128.

MOB NO. - 09804991767.

Alternative No. - 08240926890.

ANNEXURE B

9

RECEIPT OF SEPARATION AMOUNT

I, Deep Singha Roy, confirm having received a sum of INR 2,50,000/- (Rupees Two Lakhs Five Thousand Only) vide CITI Bank Demand Draft No. 301480 dated 4th May 2018 towards Separation amount. I now declare that I have now no grievance of whatsoever nature against the Company, whether monetary or otherwise, with respect to my employment with Novartis India Limited. I undertake that I shall withdraw the case no. 12/10(1B)(d) of 2014 (Deep Singha Roy vs. Novartis India Limited) pending before the Hon'ble 7th Court, Industrial Tribunal, Kolkata.

Place: Kolkata

Date: 17th May 2018

Deep Singha Roy
Signature..... 17.05.2018
Deep Singha Roy



ANNEXURE-C

Novartis India Limited
Pharmaceuticals Sector
Sandoz House, 4th floor
Shivsagar Estate,
Dr Annie Besant Road,
Worli, Mumbai 400 018
India
Tel +91 22 2495 8510
Fax +91 22 2497 8518
Website: www.novartis.in
CIN - L24200MH1947PLC00610

30-May-2018

Mr. Deep Singha Roy
28, Ferry Ghat Road,
Post - Athpur.
Dist - 24 Pgs (N),
West Bengal
Pin - 743128

Dear Deep,

Enclosed is our CITIBANK Draft No. 301802 dated 28-May-2018 for INR 70,881/- along with the statement of accounts towards Full & Final Settlement of all your dues.

Kindly sign the attached receipt and return the same to us to the above mentioned address at the earliest.

Thanking you,

Yours faithfully,
Novartis India Limited

A handwritten signature in black ink, appearing to read 'Anis Shaikh', with a horizontal line underneath it.

Anis Shaikh
Authorized Signatory

Encl.: As above

NOVARTIS INDIA LIMITED, Pharmaceuticals Division
FINAL SETTLEMENT OF ACCOUNT

Empl No : **40005959**
 Empl Name : **DEEP SINGHA ROY**
 Date of Separation : **23-Dec-2013**

Earnings	Amount
BONUS	6,119.00
EX GRATIA	695.00
LEAVE ENCASHMENT	22,797.00
ONE MONTH'S SALARY	27,357.00
MEDICAL ALLOWANCE - 2013	12,815.00
FIELD EXPENSES	14,132.00
Total Earnings	83,915.00
Deductions	
BASIC PAY	59.00
DEARNESS ALLOWANCE	6,846.00
HRA	129.00
EDUCATION ALLOWANCE	26.00
PF EMPLOYER CONTRIBUTION	829.00
NC PENSION	145.00
IMPREST	5,000.00
Total Deductions	13,034.00
NET PAYABLE	70,881.00

Received with thanks from Novartis India Ltd., Mumbai, vide Citibank cheque no. 301802
 dated 28 May 2018 for INR 70,881/ towards full and final settlement of all your dues.

Signature Deep Singha Roy
 DEEP SINGHA ROY

Date :