

I/106315/2020

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

No. Labr/1662/(LC-IR)/.....

Date : 25/11/2020

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. 723-IR/IR/8L-02/09(Pt.) dated 27/7/2012 the Industrial Dispute between M/s RDb Textiles Ltd. (Licensee of Victoria Jute Works), P.O.- Telinipara, Dist.-Hooghly, Pin-712125 and their workman Shri Harindar Thakur represented by National Union of Jute Workers, Victoria Jute Works, P.O.- Telinipara, Dist Hooghly , Pin-712125 regarding the issue mentioned in the said order, being a matter specified in the Second Schedule to the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Judge, 4th . Industrial Tribunal, West Bengal.

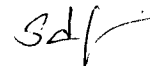
AND WHEREAS the Judge of the said 4th. Industrial Tribunal, West Bengal, has submitted to the State Government its award on the said Industrial Dispute.

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/1662/1(5)/(LC-IR)

Date : 25/11/2020

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

1. M/s RDb Textiles Ltd.(Licensee of Victoria Jute Works), P.O.- Telinipara, Dist.-Hooghly, Pin-712125.
2. The Secretary . National Union of Jute Workers, Victoria Jute Works, P.O.- Telinipara, Dist Hooghly , Pin-712125 .
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, 11th 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

I/106315/2020

No. *Labr/1662/2(2)/(LE-12)*

Date: *25/11/2020*

Copy forwarded for information to :

1. The Judge, 4th. Industrial Tribunal, West Bengal with reference to his Memo No. 261-L.T. dated 27.02.2020.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.

Deputy Secretary
Government of West Bengal.

In the matter of an Industrial Dispute between M/s. RDB Textiles Ltd.(Licensee of Victoria Jute Works) P.O. – Telinipara, Dist. – Hooghly and its workman Shri Harindar Thakur espoused by National Union of Jute Workers, Victoria Jute Works, P.O. – Telinipara, Dist. – Hooghly.

(Case No. VIII – 36 of 2012)

BEFORE THE FOURTH INDUSTRIAL TRIBUNAL : WEST BENGAL

PRESENT

SHRI GOPAL KUMAR DALMIA, JUDGE
FOURTH INDUSTRIAL TRIBUNAL
KOLKATA

A W A R D

In the matter of an Industrial Dispute between M/s. RDB Textiles Ltd.(Licensee of Victoria Jute Works) P.O. – Telinipara, Dist. – Hooghly and its workman Shri Harindar Thakur vide G.O. No. 723-I.R./IR/8L-02/09(Pt.) dated 27th July, 2012 referred to the Fifth Industrial Tribunal which has been subsequently transferred to this Tribunal vide G.O. NO. 1257-IR/IR/MISC-28/2015 dated 17.12.2015 for adjudication of the issues.

I S S U E (S)

01. Whether the dismissal of Shri Harindar Thakur from his service w.e.f. 01.11.2011 by the management of M/s. RDB Textiles Limited (Licensee of Victoria Jute Works) was justified?
02. What relief, if any, is the present workman entitled to?

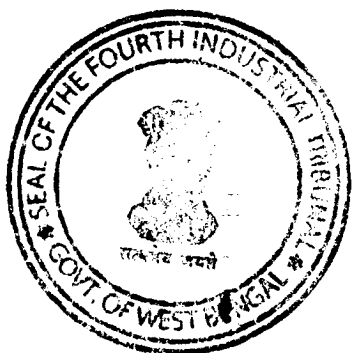
Order No. 120 dated 26.02.2020

The case is called on repeatedly. Ld. Advocates of both sides are present. Today is fixed for hearing of further argument of Ld. Advocate of the workman.

At this stage, a joint compromise petition along with a memorandum of settlement is filed by both sides.

Heard the submissions of Ld. Advocates representing the workman and the Company.

Contd.....2



To adjudge the point whether the settlement as reflected in the memorandum of settlement filed by the parties has been affected voluntarily or not and to see whether the settlement is lawful or not, the workman Hirander Thakur has been examined as P.W.-1 and one Arun Kumar Singh, the General Manager (Personnel and Administration) of the RDB Textiles Ltd. has been examined as M.W.-1. One letter of authority filed on behalf of the Company has been marked as Ext.-1.

On perusal of the evidences of P.W.-1, Shri Hirander Thakur and M.W.-1, Shri Arun Kumar Singh, Ext.-1 i.e. letter of authority, memorandum of settlement, compromise petition and other materials available on record it clearly discerns that the parties have settled their dispute amicably and they pray for a compromise award in terms of the memorandum of settlement. It has also become crystal clear to me that the settlement of the dispute has been made voluntarily by the parties. I do not find any impediment in accepting the said settlement.

Under the circumstances, the present case is disposed of on the basis of terms and conditions mentioned in the memorandum of settlement.

Hence, it is

Ordered.

That the present industrial dispute be and the same is disposed of on compromise. The memorandum of settlement filed today by the parties be made a part of the Award.

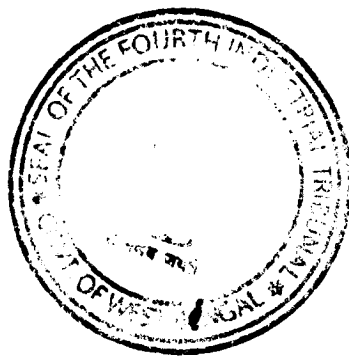
This is my Award.

Let six copies of this Award be sent to the Additional Chief Secretary, Labour Department, Government of West Bengal for information.

Dictated & corrected

Sd/- G.K. Dalmia

Judge



Sd/- G.K. Dalmia

Judge
4th Industrial Tribunal
Kolkata-1.
26.02.2020



*Filed by
Debe Prasad Chatterjee
Advocate for Applicant
26.02.2020*

MEMORANDUM OF SETTLEMENT

REPRESENTING EMPLOYER :

**M/S. RDB Textiles Ltd.
(Licencee of Victoria Jute Works),
Telinipara, Hooghly.**

REPRESENTING EMPLOYEE:

**Harinder Thakur
S/o. Lt.Dharam Nath Thakur,
Telinipara, RPM Street, P.O.Telinipara,
P.S.Bhadreswar Hooghly, Pin.-712125.**

*The memorandum of Settlement
is made a Part of the Award
vide Order No. 120 dt. 26.02.2020.*

Short Recital of the Case

1. Whereas Harinder Thakur, S/o. Late Dharam Nath Thakur, of Telinipara, RPM Street, P.O.Telinipara, P.S. Bhadreswar, Hooghly, Pin-712125, concerned the referred applicant, a dismissed employee of M/s. RDB Textiles Ltd, (Licencee of Victoria Jute Works), Telinipara, Hooghly.
2. Whereas the said workman/Harinder Thakur raised and filed an Industrial Dispute which was subsequently referred by the Govt. of West Bengal to the 5th Ld.Industrial Tribunal, West Bengal against the said Company above named for his dismissal of service from the Company being Case No.VIII-36 of 2012, (G.O.No.723-I.R. Dt.27.07.2012/ Former and G.O. No.1257-IR/IR/MISC-28/2015 dated 17.12.2015, after transfer the case to 4th Industrial Tribunal, W.B.), and is pending now before the Ld. Fourth Industrial Tribunal, Kolkata.
3. And whereas during the pendency of the said dispute, both the parties hereto tried to settle the said dispute amicably out of Court/Tribunal.
4. And whereas after prolonged discussions by and between the Parties the said dispute has been amicably Settled under the following terms and Conditions.
 1. That it has been decided and agreed by and between the Parties that the concerned workman/Harinder Thakur will be given fresh employment w.e.f. 01.03.2020.

Contd.page.02.

Arun Kumar Singh 17/02/2020
**General Manager (P & A)
RDB TEXTILES LIMITED
Licencee of Victoria Jute Works
Telinipara, Hooghly
Pin-712125**

*Harinder Thakur
17/2/20*

Filed to
Dinendra
22/02/20
Filed
Deer Singh
Advocate
20.02.20

- II. That it has been further decided and agreed by an between the Parties that during his said employment, the workman concerned/Harinder Thakur will be paid wages at the rate of Rs.370/- per day for 8 hrs. from the date, he has been taken back into the said employment, i.e. With Effect From.01.03.2020.
- III. That it has been further decided and agreed by and between the Parties that the workman/Harinder Thakur will not claim/or demand any wage/benefit/relief/allowances whatsoever for the period from the date of his dismissal of dated 25.10.2011 (with effect from 01.11.2011) to the date on which he has been taken back into employment, i.e. dated.01.03.2020.
- IV. That It has further been decided and agreed by and between the parties hereto that the Provident Fund accumulation (prior to his dismissal) of Sri Harinder Thakur will be transferred to the new Provident Fund account (after taking back into employment).
- V. That it has been decided and agreed by and between the parties hereto that Sri Harinder Thakur will be taken back into employment at his old post & designation without affecting his seniority.
- VI. That it has been decided and agreed that for the purpose of calculation of gratuity at the time of cessation of employment of Sri Harinder Thakur, continuity of service will be taken into account as per his entitlement under the provision of Gratuity Act 1972.
- VII. That it has been further decided and agreed by and between the parties hereto that Sri Harinder Thakur will not raise any dispute or any demand before any Court/Tribunal and/or any Forum of law in future in respect of this Case after this mutual and/or amicable settlement by both the parties hereto dated...17/02/2020
- VIII. That in the above circumstances, the concerned workman/Harinder Thakur is not interested to contest the instant Industrial dispute case pending before the Fourth Industrial Tribunal, West Bengal and as such the workman Harinder Thakur has no dispute with the Company further in any manner and the said case be closed and disposed off accordingly forever.

Arun Kumar Singh
General Manager (P & A)
RDB TEXTILES LIMITED
Licence of Victoria Jute Works
Telinipara, Hooghly
Pin-712125
17/02/2020

Harinder Thakur
17/2/20