

I/51627/2019

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

No. Labr/15/(LC-IR)/22015(12)/14/2019

Date : . . 02.07.19

ORDER

WHEREAS an industrial dispute existed between M/s Hooghly Mills Company Ltd., at unit Bowreah Jute Mills, P.O. – Fort Gloster, Howrah – 711 310 and Sri Meheboob Ali Sareng, Vill. – Raghudevati, P.S. – Sankrail, Dist. - Howrah 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 (14of 1947) to the Judge, Second Labour Court, Kolkata specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, the Judge of the said Second Labour Court, Kolkata heard the parties under section 10(1B)(d) of the I.D. Act, 1947 (14of 1947).

AND WHEREAS the said Judge Second Labour Court, Kolkata has submitted to the State Government its Award under section 10(1B)(d) of the I.D. Act, 1947 (14of 1947) on the said Industrial Dispute.

Now, THEREFORE, in pursuance of the provisions of Section 17 of the Industrial Dispute Act, 1947 (14of 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

: 2 :

No. Labr/615/1(5)/(LC-IR)Date : 02-07-19

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

1. M/s Hooghly Mills Company Ltd., at unit Bowreah Jute Mills, P.O. - Fort Gloster, Howrah - 711 310.
2. Sri Meheboob Ali Sareng, Vill. - Raghudevati, P.S. - Sankrail, Dist. - Howrah.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
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. Labr/615/2(2)/(LC-IR)Date : 02-07-19

Copy forwarded for information to :-

1. The Judge, Second Labour Court, West Bengal, with respect to his Memo No. 750 -LT dated 14.06.2019.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Deputy Secretary

An application U/s. 10(1B)(d) of the Industrial Disputes Act, 1947 filed by **Meheboob Ali Sareng**, residing at Vill-Raghudevati, P.S-Sankrail, Dist-Howrah against **M/s. Hooghly Mills Company Ltd.**, at Unit Bowreah Jute Mills, P.O-Fort Gloster, Howrah-711 310.

(Case No. 29 of 2010 U/S. 10(1B) (d) of Industrial Disputes Act, 1947)

BEFORE THE SECOND LABOUR COURT, WEST BENGAL, KOLKATA

PRESENT: **SRI ARABINDA PANTI**, JUDGE
SECOND LABOUR COURT
KOLKATA.

Date: 14-06-2019

A W A R D

The facts of the case of the petitioner in brief are that he joined in the Opposite Party Company and was working diligently, honestly and sincerely without any black spot at Unit Bowreah Jute Mills.

It is the specific allegation that the management hurriedly and without prior permission from the Government and with ulterior motive issued Charge Sheet on 30-06-2006 against the petitioner. The petitioner replied to the charge sheet on 23-11-2006. The applicant denied the allegations leveled against him in the Charge sheet. The Enquiry Officer although held enquiry, but it was eyewash finding the workman guilty. The company without issuing second show cause notice dismissed the applicant from service illegally. The applicant raised Industrial Disputes before the Labour Commissioner, but all are in vain. The Commissioner issued a certificate. Thereafter, the applicant preferred this application praying for reinstatement of service along with back wages.



The Opposite Party entered appearance in this case and filed written objection contending inter-alia the material allegations brought by the petitioner. The Opposite Party prayed for rejection of the application.

This case was initiated on 14-05-2010. Both sides adduced evidences from their respective sides and ultimately the matter has been compromised in terms of memorandum of settlement. The parties filed their memorandum of settlement along with petition on 14-06-2019 i.e. today. The applicant is examined on recall and Mr. Pijush Kanti Biswas, the General Manager, Personnel & Administration of the company is examined as O.P.W.2.

Perused the oral testimony of P.W.1 and O.P.W.2. Heard Ld. Advocates for both the parties. It appears from hearing, oral testimony and memorandum of settlement that the matter has been compromised out of court and in terms of compromise/settlement, the company has paid a sum of Rs. 3,10,000/- (Three Lakhs Ten thousand) only, in total, by three Cheques bearing No. 000129 for Rs. 47195/- (Forty Seven thousand One hundred & Ninety Five) only, drawn on Standard Chartered Bank, N.S.Road Branch, another Cheque bearing No. 210906 for Rs. 102750/-(One Lakh Two thousand Seven hundred & Fifty) only, drawn on Union Bank, India Exchange Place, Kolkata and Cheque No. 006181 for Rs. 120,055/- (One Lakh Twenty thousand & Fifty Five) Only, drawn on H.D.F.C Bank , Sarat Bose Road Branch, and Rs 40,000/-(Forty thousand) only, in cash totaling Rs. 3,10,000/- (Three Lakhs ten thousand) only, to the applicant and the applicant has received the same, The applicant has also deposed that he has no further claim. He received the above Cheques and hard cash towards full and final settlement.

On further perusal of the memorandum of settlement, it appears to this court that the terms and conditions are legal, valid and sufficient.



Accordingly, this case is disposed of in terms of memorandum of settlement.

Hence, it is

Ordered

that the instant petition U/s. 10 (1B)(d) of Industrial Disputes Act, 1947 is here by disposed of in terms of memorandum of settlement. The memorandum of settlement be made part of the Award.

This is the Award passed by this court.

Dictated and corrected by me

Sel 1 -
Judge

Judge
Second Labour Court W.B.

Sel 1 -
(Arabinda Panti)
Judge, 2nd Labour Court
Kolkata.

Judge
Second Labour Court W.B.



F. 627
Sarengit Sareng
for the O.P.
14/06/19
Narayan Chandra
AD
27/6/19

BEFORE THE LEARNED SECOND LABOUR COURT, WEST BENGAL

Case No. 29 of 2010

U/s 10(1B) of the Industrial Disputes
Act, 1947

Between

Mehboob Ali Sareng

Vill. and P.O. Raghdebvati,

P.S. Sankrail,

Dist. Howra

...Applicant

And

The Hooghly Mills Co. Ltd,

Unit- Bowreah Jute Mill, now known as

Bowreah Jute Mills Pvt. Limited.

P.O. Fort Gloster, P.S. Bauria,

Dist. Howrah- 711 310

...Opposite Party.

Humble joint petition on behalf of the
parties.

Most respectfully Shweeth:-

1. That the above case is pending before this Ld. Court.

2. That the parties have arrived at an out of Court Settlement, a copy of the same is annexed herewith and marked as annexure "A" to this petition.
3. That the Applicant has been paid the entire amount, as mentioned in clause 5(b) and 5(c) of the said settlement. A photo copy of the receipt/vouchers is annexed herewith and Marked as Annexure "B" collectively.

Under the circumstances it is humbly prayed that Ld. Court be pleased to pass the necessary Award in terms of the settlement.

And for this act of kindness your petitioners as in duty bound shall ever pray.

Date

Verification

We, Mehboob Ali Sareng, the concerned Applicant in the instant matter and Pijush Kanti Biswas the General Manager (Personnel and Administration) of the Opposite Party in the instant matter do hereby state and declare that the statements made hereinabove are true to the best of our knowledge and belief save and except our respectful submissions before this Ld. Court.

We sign this verification today the 11th day June of 2019 at Court premises.

Mehboob Ali Sareng

Pijush Kanti Biswas
11/6/19

MEMORANDUM OF SETTLEMENT

1. Name of the Parties:- Hooghly Mills Company Limited

Unit-Bowreah Jute Mills

(Now Known as Bowreah Jute Mills

Pvt. Limited),

P.O. Fort Gloster, P.S. Bauria

Dist. Howrah -711310

AND

Their ex-workman, Mehboob Ali Sareng,

Vill. and P.O. Raghudevati,

P.S. Sankrail, Dist. Howrah.

2. Representing Employer:- Shri Pijush Kanti Biswas -

Genral Manager (Personnel

& Administration).

3. Representing Employee:- Mehboob Ali Sareng, Concerned

Employee

4. Short Recital of the Case:- The concerned employee Mehboob Sareng was Dismissed by the Company w.e. from 17-07-2008 for committing gross misconducts. Thereafter the concerned employee raised an Industrial Dispute with the Conciliation Officer, Uluberia, Govt. of W.B. and the Concerned employee after some

BBB

13/28/2010

19/6/10

times he obtained a certificate of pendency of conciliation and filed a case U/s 10(1B) of the Industrial Disputes Act 1947 (as applicable in W.B.). The said case was registered before Id. Second Labour Court as caseNo.29 of 2010. During pendency of the case the concerned employee reached the age of superannuation on 01.01.2012. There after the parties negotiated for out of Court Settlement and after protracted negotiations arrived at the following mutual settlement.

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


- (a) That the concerned employee Mehaboob Sareng will accept the order of dismissal issued by the Employer.
- (b) That the concerned employee Mehaboob Sareng will be paid his gratuity amounting to Rs.47,195/= (Rupees Forty Seven Thousand one hundred ninety five) and amount standing to his credit in his Provident Fund Account amounting to Rs.1.20,055/=(Rupees one lakh twenty thousand fifty five)
- (c) That the concerned employee Mehaboob Sareng will be paid a further sum of Rs. Rs 1,42,750/= (Rupees one lakh forty two thousand seven hundred fifty)
- (d) That the concerned employee Mehboob Sareng will have no other claim over the employer of whatsoever nature, monetary or for reinstatement/ reemployment.
- (e) That on payment of the aforesaid sum the concerned employee Mehboob sareng will not press his case No. 29/2010, pending before Id. Second Labour Court and a

RB 6/19 12/23 2012/25 - 44/6/19

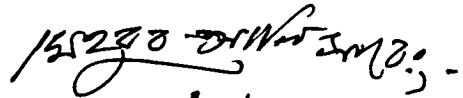
joint petition will be filed before the said Ld. Court for passing of an Award in terms of this Settlement.

- (F) This settles all the disputes related with the dismissal of Mehboob Ali Sareng w.e. from 17/07/2008

For the Company

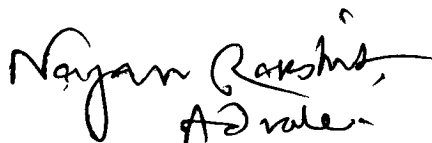

P. S. Sivas,
General Manager
 (P & A)
 Howrah Jute Mills Pvt. Ltd.
 Howrah Cluster, Howrah.-711210

For the Employee


 11/6/19

Witness:-

1. 

2. 
 Adnan

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

No. Labr./596/(LC-IR)/22015(16)/329/2018

Date : 26.06.2019

ORDER

WHEREAS an industrial dispute existed between ECE Industries Limited, P - 46A, C.I.T. Scheme, XL V, Radha Bazar Lane, P.S. Hare Street, Kolkata - 700 001 and their workman Sri Manish Kumar Singh, 9, Kali Prasan Singhi Road, Cossipore, P.S. Chitpur, Kolkata - 700 002 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, Seventh Industrial Tribunal Specified for this purpose under this Department Notification No. 101-IR dated 2.2.12;

AND WHEREAS the said Judge, Seventh 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

No. ~~Lab./596~~/1(2) - IR

Date : 26.06.2019.

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 745 - LT dated 14.06.2019.
2. The Joint Labour Commissioner (Statics), W.B., 6, Church Lane, Kolkata-700001.



Deputy Secretary

No. ~~Lab./596~~ /2(5) - IR

Date : 26.06.2019.

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

1. M/s ECE Industries Limited, P - 46A, C.I.T. Scheme, XL V, Radha Bazar Lane, P.S. Hare Street, Kolkata - 700 001.
2. Sri Manish Kumar Singh, 9, Kali Prasan Singhi Road, Cossipore, P.S. Chitpur, Kolkata - 700 002.
3. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
4. The Labour Commissioner, W.B., New Secretariat Building (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