

I/52053/2019

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

No Labr./6301(LE-IR)Date 04/07/2019ORDER

WHEREAS an industrial dispute existed between M/S Methodist School, Coal Complex Township, P.O. Dankuni, Hooghly-712310 and their workman Sri Satyajit Ray , B-115, Dankuni Coal Complex Township, DCC, P.O. Dankuni Patbhawan, Hooghly-712310 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, Third Industrial Tribunal Specified for this purpose under this Department Notification No. 101-IR dated 2.2.12;

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

ISSUES

1. Whether the instant application filed under Section 2A(2) of the Industrial Disputes Act, 1947 is maintainable or not?
2. Whether the Domestic Enquiry initiated by the management of O.P./School is valid or not?
3. Whether the applicant is a 'workman' or not as defined under Section 2(s) of the Industrial Disputes Act, 1947?
4. Whether the dismissal of services of Sri Satyajit Ray with effect from 30.4.2017 is Justified or not?
5. What relief or reliefs if any, is the applicant/workman entitled to?

AND WHEREAS the said Judge, Third 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. *Labr/630*/1(2) - IRDated *04/07/2019*

Copy forwarded for information to :

1. The Judge, Third Industrial Tribunal with reference to his Memo No. 764-LT dated 18/06/2019.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.



Deputy Secretary

No. *Labr/630*/2(5) - IRDated *04/07/2019*

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

1. M/s Methodist School, Coal Complex Township, P.O. Dankuni, Hooghly-712310.
2. Sri Satyajit Ray , B-115, Dankuni Coal Complex Township, DCC, P.O. Dankuni Patbhawan, Hooghly-712310 .
3. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
4. The O.S.D.& 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

In the matter of an application U/s. 2A(2) of Industrial Disputes Act, 1947 filed by Sri Satyajit Ray, B-115, Dankuni Coal Complex Township, DCC, P.O. Dankuni Patbhawan, Hooghly – 712310 being applicant against his employer M/s. Methodist School, Coal Complex Township, P.O. Dankuni, Hooghly-712310 being the Opposite Party before this Tribunal.

Case No. 02/2017 U/s. 2A(2)

BEFORE THE THIRD INDUSTRIAL TRIBUNAL: WEST BENGAL

PRESENT

SRI SUBERTHI SARKAR, JUDGE, THIRD INDUSTRIAL TRIBUNAL

A W A R D Date: 14th June,2019

An Industrial Dispute existed between M/s. Methodist School, Coal Complex Township, P.O. Dankuni, Hooghly-712310, and their workman, Sri Satyajit Ray, B-115, Dankuni Coal Complex Township, DCC, P.O. Dankuni Patbhawan, Hooghly - 712310, in view of the Industrial Disputes Act 1947. Accordingly, the workman filed an application U/s. 2A(2) of the Industrial Disputes Act, 1947 before this Tribunal and after hearing the parties, this Tribunal framed the following issues:

I S S U E (S)

1. Whether the instant application filed under Section 2A(2) of the Industrial Disputes Act, 1947 is maintainable or not?
2. Whether the Domestic Enquiry initiated by the management of O.P./School is valid or not?
3. Whether the applicant is a 'workman' or not as defined under Section 2(s) of the Industrial Disputes Act, 1947?
4. Whether the dismissal of services of Sri Satyajit Ray with effect from 30.4.2017 is justified or not?
5. What relief or reliefs if any, is the applicant/workman entitled to?

This is to consider the case initiated under Section 2A(2) of the Industrial Disputes Act, 1947. The employee namely Sri Satyajit Ray has filed the instant case against the O.P. namely M/s. Methodist School, Coal Complex Township, P.O. Dankuni, Hooghly. It is contended that the employee/ applicant was appointed by the School as a Caretaker (Administrative) in the year 2002 on probation and he was confirmed in service on 01.08.2003. It is further contended that the daughter of the workman, being a student of the O.P. School, was rigorously punished for having slight nail paint on her finger and the matter was communicated to the Principal, verbally. But again, she was tortured on 10.05.2016. The Management of the School issued a show-cause notice dated 16.06.2016 to the workman with some vague charges. The School Authority ultimately issued the charge-sheet against him on 23.06.2016 and a Domestic Enquiry was held. The Workman protested against the arbitrary and illegal action of the Management, but he was

Cont.....

dismissed from service by letter dt. 28.04.2017. The Conciliation Officer convened a number of joint meeting on several dates but the matter was not settled. Thus, the workman filed his case in this Tribunal against the O.P/ School.

After filing the case, notice was issued and both the side entered their appearance. The case was proceeded accordingly before this Tribunal in accordance with law.

In the meantime, the petitioner came alongwith his Ld. Advocate and filed a petition in this Tribunal stating therein that the matter of dispute has been agreed to be settled amicably between the parties and accordingly applicant wants to withdraw the instant case from this Tribunal.

Having heard the Ld. Advocate for the petitioner as well as the petitioner himself and perusing the materials on record I have come to a conclusion that really the workman is not interested to proceed with this case and he wants to withdraw the case. In such a position I have no other alternative but to conclude that let this case be disposed of on line of decision that there is 'No Dispute' between the parties at present.

Accordingly, this order may be treated as "No Dispute Award" passed by this Tribunal between the parties.

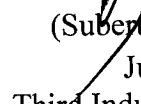
This case is thus disposed of accordingly.

Let the copies of this award be sent to the Labour Department, Government of West Bengal, for information and necessary action.

Dictated & corrected by me.


Judge.




(Suberthi Sarkar)
Judge,
Third Industrial Tribunal,
Kolkata - 1
14th June, 2019