

I/30059/2018

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

No. Labr/838/(LC-IR)/22015(16)/539/2018

Date : 05.11.2018

ORDER

WHEREAS an industrial dispute existed between M/s Plumbum Chemicals & Pigments, 54, Balaram Dey Street, Kolkata - 700006 and Sri Pradip Khanna, C/o – Atul Das, Sarada Pally, Ramkrishna Pally, Kolkata - 700124 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, 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 Seventh Industrial Tribunal, Kolkata heard the parties under section 10(1B)(d) of the I.D. Act, 1947 (14 of 1947).

AND WHEREAS the said Judge Seventh Industrial Tribunal, Kolkata 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

: 2 :

No. Labr./838/1(5)/(LC-IR)

Date : 05.11.2018

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

1. M/s Plumbum Chemicals & Pigments, 54, Balaram Dey Street, Kolkata - 700006.
2. Sri Pradip Khanna, C/o – Atul Das, Sarada Pally, Ramkrishna Pally, Kolkata - 700124.
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./838/2(2)/(LC-IR)

Date : 05.11.2018

Copy forwarded for information to :-

1. The Judge, Seventh Industrial Tribunal, Kolkata, with respect to his Memo No. 1721 - L.T. dated 20.08.2018.
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. 37/2016; u/S. 10(1B)(d) of the I.D. Act, 1947

Sri Pradip Khanna, C/o.-Atul Das, Sarada Pally,
Ramkrishna Pally, Kolkata - 700124.

...Applicant.

-versus-

M/s. Plumbum Chemicals & Pigments,
54, Balaram Dey Street, Kolkata – 700 006.

...OP/Company.

AWARD

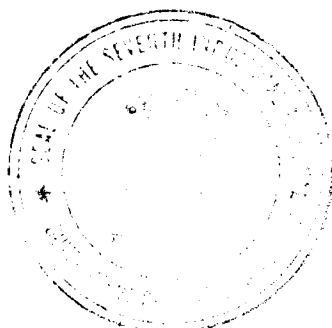
Dated : 13-08-2018

The instant case No.37/10(1B)(d) / 2016 came to be registered on 04.11.2016 upon filing of an application dated 04.11.2016 by the applicant **Sri Pradip Khanna** 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 Pradip Khanna raised an industrial dispute against his employer M/s. Plumbum Chemicals & Pigments, 54, Balaram Dey Street, Kolkata – 700 006, 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. Plumbum Chemicals & Pigments with direction to appear and file their written statement.

The parties having filed their respective statement(s) of facts and list(s) of documents, the matter was fixed for evidence, and thereafter the parties have entered into a mutual settlement. Accordingly, they have filed a joint-petition along with their Memorandum of Settlement, with a prayer for passing an Award in terms of the settlement. The concerned applicant Sri Pradip Khanna and Sri Ritesh Khanna, the authorized representative / signatory of the O.P./Company M/s. Plumbum Chemicals & Pigments have deposed in support of their joint-petition of compromise and the terms of the Memorandum of Settlement.

sdf



Contd.....P/2.

(2)

In terms of the settlement, the applicant Sri Pradip Khanna has received a cheque of value Rs.1,00,000/-(Rupees One Lakh only) being No.121026 dated 13.08.2018, drawn against Account No. 402110110001915 of the Vivekananda Road Branch of Bank of India, of Sri Ritesh Khanna, towards the entire payment as detailed in 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. 37/10(1B)(d)/2016 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

sdl
Judge
Seventh Industrial Tribunal

sdl
(Avani Pal Singh)
Judge
Seventh Industrial Tribunal
Kolkata
13-08-2018
Judge
Seventh Industrial Tribunal



FILED BY
PRINIMUM CHEMICALS & PIGMENTS
Pradip Khanna
13.08.18
Prattinagar

Filed By
Pradip Khanna
13.08.18

BEFORE THE LD. SEVENTH INDUSTRIAL TRIBUNAL, WEST BENGAL

IN THE MATTER OF

An Industrial Dispute: Case No. 37/2016

U/S. 10 (IB)(b) of I.D. Act. 1947

Between

Shri Pradip Khanna

C/O. Atul Das,

Kutubsahi Road, Saradapally, Ramkrishna-
pally, Barasat, North 24 Parganas.

.. .. Applicant.

And

M/S. ^mPlumbur~~s~~ Chemicals & Pigments

54, Balaram Dey Street, Kolkata-700006

.. .. Opposite Party.

The humble Joint petition of compromise
on behalf of abovenamed both parties.

Most Respectfully Sheweth :

- 1) That the above case is pending before The Id. Tribunal & being proceeded with.
- 2) That both the abovenamed parties negotiated with each other, outside the Court & arrived at a settlement of the dispute fully & finally, the said Memorandum of Settlement is annexed herewith for kind perusal of The Id. Tribunal.
- 3) That there exist no dispute by & between the parties after execution of the above said settlement.

contd. ...p/2

In the premises, it is prayed that The Ld. Tribunal would graciously be pleased to pass a compromise AWARD and/or pass any such AWARD/s, and/or any order/s, as your Honour may deem fit and proper, in view of the above said settlement.

And for this act of kindness, your petitioners ^{as} ~~can~~ ⁱⁿ duty bound, shall ever pray.

V E R I F I C A T I O N

We, Shri Pradip Khanna, the Applicant abovenamed & Shri Ritesh Khanna, proprietor of M/S. Plumbum Chemicals & Pigments (the abovenamed opposite party) do hereby solemnly affirm & declare that the Contents para 1, 2 & 3 of the foregoing petition are true to the best of our knowledge & belief & those are ⁱⁿ the prayer are ^{OK} ~~over~~ respectful submission before The Ld. Tribunal.

We sign this verification on the 13th day of August, 2018 at Court Premises.

Pradip Khanna
(PRADIP KHANNA)
Applicant

Plumbum Chemicals & Pigments
Ritesh Khanna

(RITESH KHANNA)
Proprietor
Plumbum Chemicals & Pigment.

MEMORANDUM OF SETTLEMENT

FILED BY
12th 12/12/18
13.08.18.

Filed By
Pradip
Khanna
13.8.18

- Name & Address of the Parties:
- 1) Shri Pradip Khanna
C/O. Atul Das,
Kutubsahi Road, Saradapally,
Ramkrishna Pally, Barasat,
North 24 Parganas.
 - 2) M/s. Plumbum Chemicals & Pigments
54, Balaram Dey Street,
Kolkata - 700 006
Represented by Shri Pradip
Khanna, Proprietors.

Short Recital of the Case

Atul Das

That the above named Shri Pradip Khanna raised an ^{industrial} ~~inter-tribe~~ dispute against the abovenamed M/S. Plumbum Chemicals & Pigments alleging his termination of service by the said Plumbum Chemicals & Pigments & the said dispute after due process is pending & being proceeded Before The Ld. Seventh Industrial Tribunal West Bengal, bearing Case No. 37/2016 U/S. 10(1-B)(b) of I.D.Act. 1947. The above named Plumbum Chemicals & Pigments is contesting the instant case denying each & every allegation of Pradip Khanna inter-alia stating that Sri Pradip Khanna is a Domestic servant of the above-named Retesh Khanna proprietor of M/S. Plumbum Chemicals & Pigments & voluntarily left his services. That during the pendency of the above dispute before The Ld. Seventh Industrial Tribunal, both the parties negotiated with each other in bi-partite level & arrived at a settlement of the dispute on the following terms and conditions ^{without} ~~with~~ prejudice to their ^{respective} ~~respective~~ ^{allegations} ~~allegations~~ :-

Pradip

1. That Shri Pradip Khanna, ^{Pradip} ~~agreed~~ ^{agreed} to compromise the instant case & settle all his claims, demand, allegations fully & finally

in lieu of a payment of Rs. One Lac (Rs.100000/-) only which includes, compensations, gratuity, due salary, bonus & all monetary claims & demands including the claim of re-instatement/re-employment under M/S. Plumbum Chemicals & Pigments & any other sister /ancillary concern owned by Shri Ritesh Khanna.

2) That Shri Pradip Khanna null not raise any sorts of claims and dispute whatsoever relating to his employment against M/S.Plumbum chemicals & Pigments and against any other sister /ancillary concern owned by Shri Ritesh Khanna, in future, after the payment of abovementioned Rs.One lac (Rs.1,00,000/-) and the aforesaid M/S. Plumbum Chemicals. Pigment & Shri Ritesh Khanna, will have no claims, whatsoever against aforesaid Pradip Khanna.

3) This payment of Rupees One lac (Rs.1,00,000/-) to Pradip Khanna, settle all the dispute between himself and M/S. Plumbum Chemicals & Pigment & Ritesh Khanna fully & Finally.

Both the above parties will file a compromise petition before the Ld. Seventh Industrial Tribunal, West Bengal praying for disposal of the instant case by praying compromise AWARD.

This settlement is signed & executed on this 13th day of August, 2018 in presence of the following

Witnesses :-

Signature of the parties

Pradip Khanna
(Pradip Khanna)

Plumbum Chemicals & Pigments
Ritesh Khanna,
Proprietor

(Ritesh Khanna)
Proprietor
Plumbum Chemicals & Pigments.

Witness

- 1.) *[Signature]*
13.8.18 (Ritesh Khanna)
72/B, Balsem Dy St
Kolkata
- 2) Seelil Bhromik
(SUBIR BHOWMIK)
352 NADAPALLY PALTA 24 Pas (N)

Received a Cheque of Bank of India
Vivekananda Road Branch Kolkata
bearing No.121026, dt. 13.08.2018
amounts Rs. One Lack (Rs.1,00,000/-)
from Ritesh Khanna , Proprietor of
M/S. Plumbum Chemicals & Pigments in
terms of settlement of the case No.37/2016
U/S. 10(1B)(b) of I.D.Act,1947 pending before
Ld. Seveth Industrial Tribunal , West Bengal.

Pradip Khanna
(Pradip Khanna)
Applicant

Dated : 13.08.2018.