

I/80516/2020

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

No. Labr./ . 90 . . / (LC-IR)/22015(15)/118/2019

Date : 07/02/2020

**ORDER**

WHEREAS an industrial dispute existed between (1) M/s Orient Steel & Industries Ltd., 2, Brabourne Road, Kolkata – 700 001; (2) Sri Nilesh Rajgarhia, Executive Director, M/s Orient Steel & Industries Ltd., Brabourne Road, Kolkata – 700 001 and their workman Sri Mithilesh Mondal, Vill & P.O. Aura, via Hasanpur Sugar Mill, P.S. Hasanpur, Dist. Samastipur, Bihar 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

I/80516/2020

(2)

No. Labr/90/1(2) – IR

Date : 07/02/2020

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 30 – L.T. dated 10.01.2020.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.



Deputy Secretary

No. Labr/90/2(5) – IR

Date : 07/02/2020

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

1. M/s Orient Steel & Industries Ltd., 2, Brabourne Road, Kolkata – 700 001.
2. Sri Mithilesh Mondal, Vill & P.O. Aura, via Hasanpur Sugar Mill, P.S. Hasanpur, Dist. Samastipur, Bihar.
3. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B., New Secretariat Building (11<sup>th</sup> 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 Seventh Industrial Tribunal, West Bengal  
New Secretariat Buildings, Kolkata

**Present:** Shri Ashis Kumar Das, Judge,  
Seventh Industrial Tribunal, Kolkata

**Case No.02 of 13**

Under Section 2A(2) of the Industrial Disputes Act, 1947

1. **Smt. Gayatri Devi**, W/O. Late Mithilesh Mondal (Original applicant)
2. **Sri Pankaj Mondal**, S/O. Late Mithilesh Mondal (Original applicant)
3. **Sri Monoj Mondal**, S/O. Late Mithilesh Mondal (Original applicant)  
Vill. & P.O. Aura, via Hasanpur Sugar Mill,  
P.S. Hasanpur, District – Samastipur, Bihar. ... **Substituted Applicants**

*Versus*

1. **M/s. Orient Steel & Industries Ltd.**  
2, Brabourne Road, Kolkata-700 001.
2. **Sri Nilesh Rajgarhia**, ...Opp. Parties  
Executive Director,  
M/s. Orient Steel & Industries Ltd.  
2, Brabourne Road, Kolkata-700 001.

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**Order No.61, dated 07-01-2020**

Both the parties are present through their Ld. Advocates.

Today is fixed for passing necessary order in respect of joint petition for compromise dated 18.11.2019, subject to filing of information regarding encashment of cheque of Rs.80,000/- (Rupees eighty thousand) only by the applicants.

One petition has been filed on behalf of the applicants informing this Tribunal that a cheque of Rs. 80,000/- (Rupees eighty thousand) only so issued by the OP/Company in favour of Smt. Gayatri Devi, one of the legal heirs of the original applicant namely Late Mithilesh Mondal, has already been encashed.

Now, the case record is taken up for passing order in respect of joint petition for compromise dated 18.11.2019.

This is a case under Section 2A (2) of the Industrial Disputes Act, 1947 filed by Sri Mithilesh Mondal against his employer viz. (1) M/s. Orient Steel & Industries Ltd. & (2) its Executive Director namely, Sri Nilesh Rajgarhia, in connection with termination of his service, declaring that such termination of service was unjustified and illegal, with a prayer to direct the OP/Company to make payment of compensation, due wages and other consequential benefits.

Perused the joint petition for compromise along with Memorandum of Settlement dated 18.11.2019 supported by photocopy of cheque being No.001515002980 dated 05.11.2019 of Rs.80,000/-, so issued by the OP/Company in favour of Smt. Gayatri Devi (PW-1) and a photocopy of money receipt of said cheque dated 18.11.2019, issued by the PW-1 namely, Smt. Gayatri Devi, authorisation letter dated 18.11.2019 (Exhibit-A) and statement of claim under Section 2A(2) of the Industrial Disputes Act, 1947 as well as evidence of substituted applicants namely, Smt. Gayatri Devi (PW-1), Sri Pankaj Mondal (PW-2) & Sri Monoj Kumar Mondal (PW-3) and Sri Ram Prabesh Singh (OPW-1), who



Contd....

Contd....Order No.61, dated 07-01-2020

is authorised signatory of OP/Company, so adduced in support of said joint petition for compromise. It appears from the evidence of PWs-1, 2, 3, who are wife and two sons respectively of the original applicant Mithilesh Mondal (since deceased) and substituted in place of said Mithilesh Mondal as his legal heirs, and OPW-1 that the matter in dispute has already been settled in between the parties in view of the terms and conditions as mentioned in the Memorandum of Settlement dated 18.11.2019, so annexed with the joint petition for compromise dated 18.11.2019 and as per terms and conditions of such settlement, OP/Company issued a cheque being No.001515002980 dated 05.11.2019 of Rs.80,000/- (Rupees Eighty Thousand) only in favour of Smt. Gayatri Devi (PW-1) with the consent of her sons i.e. PWs-2 & 3 and said cheque has already been encashed by PW-1, as it appears from the petition, so filed today, by the Ld. Advocate for the applicants.

The joint compromise petition and Memorandum of Settlement dated 18.11.2019, have duly been signed by the substituted applicants and Sri Ram Prabesh Singh (OPW-1), on behalf of the OP/Company voluntarily. Since the matter has already been settled between the parties to the proceedings, I am of the view that this Tribunal should not stand in the way of their such settlement / compromise, which appears to be legal and valid, and so, this Tribunal finds no impediment in allowing such prayer, made jointly by the parties voluntarily.

Hence, it is,

**ORDERED**

that the joint petition of compromise is allowed and accordingly, the Case No.02 of 13 under Section 2A(2) of the Industrial Disputes Act, 1947 be and the same is disposed of in terms of the Memorandum of Settlement dated 18.11.2019.

The joint petition of compromise and Memorandum of Settlement both dated 18.11.2019, be made part of this Award.

This is my **Award**.

Let 6 (six) copies of the **Award** be sent to the appropriate authority for taking necessary action.

Dictated & corrected by me

sd/-

Judge

*(Signature)*  
Seventh Industrial Tribunal



sd/-

(Ashis Kumar Das)  
Judge,  
Seventh Industrial Tribunal,  
Kolkata  
07/01/2020

*(Signature)*  
Seventh Industrial Tribunal