

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. 691 (Le-IR).

Date : 11-09-18.

**ORDER**

WHEREAS an industrial dispute existed between M/S: Hoogly Jute Mills Co. Ltd., 9 Garden Reach Road, Kolkata-43 and their workman Sri Ram Das Majhi, 77, Circlar Garden Reach Road, Hoogly Mills Colony Line No21 , Room No.3, West Port , Kolkata-43 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 specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS the said Judge Second Labour Court 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,

*Sdf*


**Deputy Secretary**  
to the Government of West Bengal

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No. Lalen. 691/1(5) (LC-IR).Date 11-09-18.

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

1. M/s : Hoogly Jute Mills Co. Ltd., 9 Garden Reach Road, Kolkata-43 .
2. Sri Ram Das Majhi, 77, Circlar Garden Reach Road, Hoogly Mills Colony Line No21 , Room No.3, West Port , Kolkata-43 .
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The Labour Commissioner, W.B., New Secretariat Buildings, (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
No. Lalen. 691/1(2) (LC-IR).Date 11-09-18.

Copy forwarded for information to :-

1. The Judge, Second Labour Court, West Bengal, with respect to his Memo No. 1634-LT dated 08/08/2018.
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 **Sri Ram Das Majhi**, of 77. Circular Garden Reach Road. Hooghly Jute Mill Colony. Line No. 21 Room No. 3. P.S.-West Port. Kolkata-700 043 against M/s. **Hooghly Jute Mills Co. Ltd.** 9 Garden Reach Road. Kolkata-700 043

**(Case No. 19/08 U/S. 10(1B)(d) of the Industrial Disputes Act 1947)**

Sri Ram Das Majhi Vs. Hooghly Jute Mills.

BEFORE THE SECOND LABOUR COURT. WEST BENGAL. KOLKATA

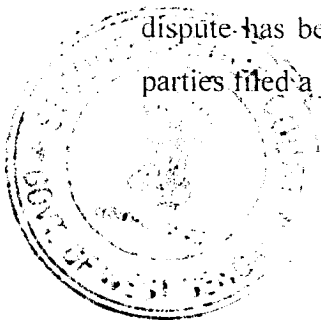
PRESENT : **SRI ARABINDA PANTI**, JUDGE  
SECOND LABOUR COURT  
KOLKATA.

**A W A R D**

Today is posted for passing compromise award.

It appears from record that Ram Das Majhi, the applicant filed this case against M/s. Hooghly Jute Mills Company Ltd. on 16.07.2008 alleging that he was an employee under the opposite party. Sometime in the year 2005, he suddenly became seriously ill and he was hospitalized and under gone a prolonged treatment under ESI Scheme. After examining by the Medical Officer on 30.05.2007, the applicant was declared fit for resume duty on and from 01.06.2007 with an advice for light duty. But the Management of the opposite party did not allow him to join in service. He was verbally informed by Labour Officer of the company that the service of this applicant has been terminated and his name has been struck off from the roll of the opposite party. As the applicant was not allowed to join his duties he made a reference to the Assistant Labour Commissioner but no settlement was arrived at. He was issued with certificate as required under the provision of this Act and there after applicant filed this case praying for reinstatement of his service with full back wages.

During pendency of this case, the applicant namely Ram Das Majhi took his last breath and his legal heirs namely Lakshmi Devi Majhi, Arvind Kumar Majhi, Binod Kumar Majhi, Monoj Kumar Majhi, Pinki Rajneet Majhi have been substituted in the instant case. Thereafter the instant dispute has been settled in between the parties by virtue of memorandum of settlement. Both the parties filed a joint compromise petition and a memorandum of settlement.



Lakshmi Devi Majhi, the wife of deceased Ram Das Majhi has deposed as P.W.1. On the other hand Mr. Mihir Bhattacharya, Personal Manager of the opposite party deposed as O.P.W.1. Perused the evidence as well as the petition for compromise and memorandum of settlement. It appears to this court that both the parties signed on the compromise petition as well as on the memorandum of settlement voluntarily and without any influence. Substituted petitioners have got Rs. 73227.15 towards provident fund vide Cheque No. 0008555 dated 12.06.2018 issued by the opposite party drawn on Punjab Synd Bank, Khidirpur, Kolkata. They have also received an amount of Rs. 77773 towards the gratuity and compromise/compensation money vide Cheque No. 002259 dated 19.06.2018 issued by the company drawn on Kotak Mahindra Bank, Brabourne Road Branch, Kolkata.

P.W.1 namely Lakshmi Devi Majhi further deposed that they have no further claim against the company with regard to the back wages and reinstatement.

On perusal of the memorandum of settlement and petition of compromise, this court does not find any illegality on those petitions. The memorandum of settlement appears to be valid legal and sufficient. Hence, it is

**Ordered**

that the instant disputes under Section 10(1B)(d) of the Industrial Disputes Act, 1947 is here by disposed of in terms of memorandum of settlement. The memorandum of settlement be made part of award.

This is the award passed by this court.

Dictated and corrected by me.

*sd -*

Judge.

*sd -*

( Arabinda Panti )  
Judge,  
Second Labour Court,  
Kolkata  
07.08.2018.

Judge  
Second Labour Court W.B



## Memorandum of Settlement

1. Name of the Parties : Ram Das Majhi  
A n d  
Hooghly Mills Co. td.
2. Representing the Employer : Mr. Mihir Bhattacharjee
3. Representing the the substituted applicants :
4. Short recital of the case :

The deceased workman Ram Das Majhi filed an application u/s 10(1B)(d) of the I D Act 1947 before the Ld. Second Labour Court W.B. being Case No.19/2008 regarding his alleged refusal of employment /termination of service.

The company has been contesting the case before the Ld. Second Labour Court, W.B. by filing a written statement by denying all the material allegations as contained in the written statement filed by the deceased, Ram Das Majhi.

While so remains before the Ld. Second Labour Court, W.B. the concerned workman, Ram Das Majhi, expired on 28.04.2017 and his wife Lakshmi Devi Majhi, his daughter, and three sons viz. Pinki Rajneet Majhi, Arvind Kumar Majhi, Binod Kr. Majhi & Monoj Kr. Majhi filed an application on 17.01.2018 for substitution by legal heirs of the deceased Ram Das Majhi and the Ld. Court vide its order dated

allowed the said prayer and accordingly the wife, daughter and sons as named above have been substituted as the legal heirs of the deceased Ram Das Majhi in the instant case.

While so remains, the said substituted heirs of Deceased Ram Das Majhi approached the company for out of court compromise and settlement of the instant case, if possible. At such turn of events while the parties, therefore, sat and discussed between them, following protracted negotiation they have mutually come to agree on the following terms of settlement settling the said pending case before the Ld. Second Labour Court, W.B.

#### Terms of Settlement

It is hereby agreed by and between the Parties :

1. That the above substituted legal heirs of the deceased workman, Ram Das Majhi will receive the provident fund amounts of deceased workman Ram Das Majhi to the tune of Rs.77,773/- and Gratuity amounts of Rs.49,148/- . Apart from receiving the above Provident Fund and gratuity amounts, they will also receive an additional sum of Rs.28,625/- towards settlement money.
2. That the above substituted legal heirs of the deceased workman, Ram Das Majhi have no other/further monetary claims in any form and/or any back wages against the company except the above Provident Fund Amounts/Gratuity amounts and an additional amounts of Rs.28,625/- towards settlement money.
3. That one of the above named substituted legal heirs of deceased, Ram Das Majhi, Smt. Lakshmi Devi Majhi being a nominee as declared by the deceased workman, Ram Das Majhi, had already received a sum of Rs. 73,227.15 towards accrued Provident Fund Amounts of the deceased workman, Ram Das Majhi vide Cheque No. 000855 dated 12.06.2018 drawn on Punjab & Sind Bank, Kidderore Kolkata Branch, Kolkata 700 043 on 12.06.2018.

4. That a sum of Rs.49,148/- towards Gratuity amount of deceased Ram Das Majhi and an additional sum of Rs.28,625/- towards settlement money totaling a sum of Rs.77,773/- (Rupees seventy seven thousand seven hundred seventy three only) is being paid and handed over to the said substituted legal heirs of the deceased today being cheque No.002259 dated 19.06.2018 drawn on Kotak Mahindra Bank 2, brabourne Road, Kolkata -700 001.

5. That this settles the instant pending case before the Ld. Second Labour Court, W.B. fully and finally and to the parties complete and mutual satisfaction.



(Lakshmi Devi)

Substituted legal heirs of the  
Deceased workman, Ram Das Majhi

Avinash Majhi

K. Bhasakar Rao K.B.Rao

PINKI RANJIT MAZJI

BINOD KUMAR MAJHI

Manoj Kumar Majhi

Witnesses :

1) K. Bhasakar Rao

2)

Neha Bhattacharya  
Personnel Manager  
The Hooghly Mills Co. Ltd.

Hooghly Mills Co. Ltd.