

Government of West Bengal  
Labour Department,  
I. R. Branch

N.S. Building, 12<sup>th</sup> Floor,  
1, K.S. Roy Road, Kolkata - 700001

No. Labr/ 10.15 / (LC-IR)/11L-72/13 Date: 21-11-2022

**ORDER**

WHEREAS under the Government of West Bengal, Labour Department Order No. 727/(LC-IR)/IR/11L-72/2013 dated 24/07/2013 the Industrial Dispute between M/s Royal Calcutta Golf Club, 18 Golf Club Road, Tollygunge, Kolkata - 700033 and Shri Joy Prakash Bhakat, S/o. Tarapada Bhakat, 46/28A Graham Road, P.S. - Jadavpur, South 24-Parganas regarding the issue mentioned in the said order, being a matter specified in the Second Schedule to the Industrial Dispute Act, 1947 (14 of 1947), was referred for adjudication to the Judge, Fifth Industrial Tribunal, West Bengal.

AND WHEREAS the said Fifth Industrial Tribunal, West Bengal, has submitted to the State Government its award dated 29/09/2022 on the said Industrial Dispute vide memo no 1516 - L.T. dated - 29/09/2022.

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.

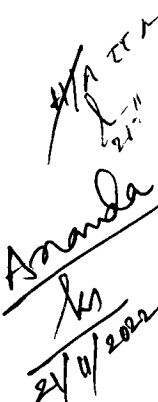
**ANNEXURE**

(Attached herewith)

By order of the Governor,

*Sdt*  
Joint Secretary  
to the Government of West Bengal

I/340231/2022


 No. Labr/ . . . / (LC-IR) Date: 21-11-2022

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

1. M/s Royal Calcutta Golf Club, 18 Golf Club Road, Tollygunge, Kolkata - 700033.
2. Shri Joy Prakash Bhakat, S/o. Tarapada Bhakat, 46/28A Graham Road, P.S. - Jadavpur, South 24-Parganas.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D & E.O. Labour Commissioner, W.B. New Secretariate Building, 1, K. S. Roy Road, 11<sup>th</sup> Floor, Kolkata- 700001.
- ✓ 5. The Sr. Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.


 Joint Secretary

No. Labr/ 1015/2(2) / (LC-IR) Date: 21-11-2022

Copy forwarded for information to:

1. The Judge, Fifth Industrial Tribunal, West Bengal with reference to his Memo No.1516 - L.T. dated - 29/09/2022.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.

Joint Secretary

It may be likely to see.

E-Receipt No. - ~~2012775~~

Date - ~~21/10/22~~

13/10/22

OSD(IR) please  
18/10/22

Before the 5<sup>th</sup> Industrial Tribunals, Kolkata

Case No. VIII-39/2013

Under Section 10 (2A) of the Industrial Disputes Act, 1947

M/s. Royal Calcutta Golf Club

-VS-

Shri Joy Prakash Bhakat

A W A R D D A T E D , 2 9 / 0 9 / 2 0 2 2

This Industrial Dispute between M/s. Royal Calcutta Golf Club, 18 Golf Club Road, Tollygunge, Kolkata – 700033 and its workman Shri Joy Prakash Bhakat, S/o. Tarapada Bhakat, 46/28A Graham Road, P.S.- Jadavpur, South 24-Parganas, has been referred by the Labour Department, I. R. Branch, Writers' Buildings, Kolkata – 700001, to the 7<sup>th</sup> Industrial Tribunal Vide No.727-I.R./IR/11L-72/13, dated Kolkata, the 24<sup>th</sup> July, 2013 under Notification No.3115-IR/IR/3A-6/59, dated 21/06/1960, for adjudication upon the under-mentioned following issues. Thereafter, the case record again transferred before this Tribunal Vide G. O. No. Labr./699/(LC-IR)/23099/15/2019, dated 26/07/2019 for the purpose of adjudication.

### I S S U E S

- (1) Whether the dismissal from the service of Sri Joy Prakash Bhakat w.e.f. 09/03/2005 by the management of M/s. Royal Calcutta Golf Club is justified?
- (2) To what relief, if any, the workman is entitled?

Originally the case record was fixed for further cross-examination of PW-1 i.e. the workman on 22/09/2022. On 22/09/2022, both the parities filed a joint petition and submitted that both the parties have agreed among themselves to settle the disputes and to that effect they like to file a memorandum of settlement before this Tribunal. Thereafter, date was fixed today for hearing of proposed settlement petition to be filed by both the parties. Today both the parties have filed a joint petition alongwith the memorandum of settlement duly signed by both the parties supported by verification and also prayed for disposed of the case as per terms and conditions of the Memorandum of Settlement. Both the parties are present alongwith their Ld. Advocates and Ld. Advocate for Royal Calcutta Golf Club submitted that he has no objection if the instant case is disposed of on the basis of the terms and conditions of the Memorandum of Settlement.

1146/JS(NND)  
18.10.22

Rahmi  
29.09.2022

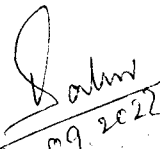
5th Industrial Tribunal  
Court of West Bengal

Both the Ld. Advocates of the parties jointly submitted that the dispute between the parties in the present case has been amicably settled out of Court / Tribunal and to that effect a memorandum of settlement dated 23/09/2022 has prepared by both the parties and the parties also finalized their disputes in terms of the memorandum of the settlement. In view of the above facts and circumstances both the parties prayed for disposal of the case in terms of memorandum of settlement dated 23/09/2022.

In support of their contention the workman Shri Joy Prakash Bhakat examined himself as PW-1, who is the workman of M/s. Royal Calcutta Golf Club and the memorandum of settlement is marked as Exhibit-1 and the photocopies of his Aadhaar and PAN Card are marked as Exhibit-2 and Exhibit-3 respectively. He also admitted and agreed with the terms and condition of the Memorandum of Settlement and prays for disposal of the case in view of the Terms and Conditions of the Memorandum of settlement and his cross examination is declined by the Ld. Advocate of M/s. Royal Calcutta Golf Club.

On the contrary one Shri Devrishi Singhal the C.E.O. of Royal Calcutta Golf Club examined himself as MW-1 and the photocopy of resolution dated 11/12/2020 of Royal Calcutta Golf Club is marked as Exhibit-A and the photocopy of Aadhaar Card is marked as Exhibit-B and he his Voter Card is marked as Exhibit-C and the photocopy of money receipt dated 23/09/2022 is marked as Exhibit-D and he has categorically stated about the settlement by and between the parties and he also stated that the management of Royal Calcutta Golf Club has no objection if the present case is disposed off as per terms and conditions of the settlement petition and practically the management of Royal Calcutta Golf Club also prays for disposed of the case on the basis of the terms and condition of the settlement petition.

This Tribunal has carefully examined the terms and condition of the memorandum of settlement and also has scrutinized the signatures appeared in the memorandum of settlement by both the parties.

  
29.09.2022  
Judge  
5th Industrial Tribunal  
Govt. of West Bengal

It reveals that the management of Royal Calcutta Golf Club duly authorized vide resolution dated 11/12/2022 to empower to Sri Devrishi Singhal sign and execute the terms of settlement between the parties and accordingly Sri Devrishi Singhal put his signatures upon the same. It further reveals that the management has paid Rs. 3,14,058/- to the Petitioner Shri Joy Prakash Bhakat through Banker's Cheque of H.D.F.C. Bank, Orchid Plaza, Razarhat and also paid Rs. 35,942/- vide another Banker's cheque of Indian Bank which has been admitted by the petitioner Sri Joy Prakash Bhakat in his examination in chief.

Having regard to the facts and circumstances and considering the materials on records and the terms of the settlement, this Tribunal is of the opinion that the terms and conditions of the settlement dated 23/09/2022 by and between the parties of this case are legally valid and proper.

There is no legal impediment to accept the terms and condition of the settlement and to dispose of the case between the parties.

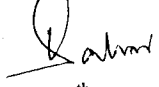
Hence,

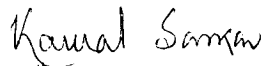
**ORDERED**

that the application dated 23/09/2022, filed by both the parties are allowed in presence of both the parties of this proceeding alongwith their advocates. Accordingly the instant case is finally disposed off in terms of the memorandum of settlement dated 23/09/2022 and the said memorandum of settlement be made part of this award.

This is the Award of this Tribunal.

Dictated & corrected by me.

  
Judge, 5<sup>th</sup> Industrial Tribunal,  
Kolkata  
29/09/2022

  
Judge, 5<sup>th</sup> Industrial Tribunal,  
Kolkata  
29/09/2022