

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/...../923/(LC-IR)/22015(16)/48/2022

Date: 18/10/2022

**ORDER**

WHEREAS an industrial dispute existed between M/s. Calcutta Ladies Golf Club, Annapurna Building, 12A, Lordsinha Road, 6<sup>th</sup> Floor, Flat No. 605, Kolkata - 700071, and Sri Anupam Das, Prasad Nagar Apartments, Flat No. 306, A/4, 27, B. T. Road, Kolkata - 700058 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 Second Industrial Tribunal specified for this purpose under this Deptt.'s Notification No. 1085-IR/12L-9/95 dated 25.07.1997.

AND WHEREAS, the Fifth Industrial Tribunal heard the parties under section 10(1B) (d) of the I.D. Act, 1947 (14 of 1947) and framed the following issue dismissal of the workman as the "issue" of the dispute.

AND WHEREAS the Fifth Industrial Tribunal has submitted to the State Government its Award dated 21/09/2022 under section 10(1B) (d) of the I.D. Act, 1947 (14 of 1947) on the said Industrial Dispute vide memo no. 1462 - L.T. dated 21/09/2022.

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

*A/A ETR*  
*Ananda*  
*15/10*  
*18/10/22*

:2:

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

Date 18/10/2022

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

1. M/s. Calcutta Ladies Golf Club, Annapurna Building, 12A, Lordsinha Road, 6<sup>th</sup> Floor, Flat No. 605, Kolkata - 700071.
2. Sri Anupam Das, Prasad Nagar Apartments, Flat No. 306, A/4, 27, B. T. Road, Kolkata - 700058.
3. The Asstt. Labour Commissioner, W.B. In-Charge, 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 Sr. Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.

Joint Secretary

No. Labr/...../2/(2)/(LC-IR)

Date 18/10/2022

Copy forwarded for information to:-

1. The Judge, Fifth Industrial Tribunal West Bengal, with respect to his Memo No. 1462 - L.T. dated 21/09/2022.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Joint Secretary

**Before the 7<sup>th</sup> Industrial Tribunals, Kolkata**

**Case No. VIII-17/2020**

**Under Section 10(1B)(d) of the Industrial Disputes Act, 1947**

**M/s. Calcutta Ladies' Golf Club**

**-VS-**

**Shri Anupam Das.**

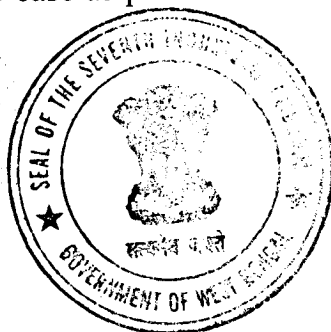
**AWARD DATED, 21/09/2022**

This industrial dispute between M/s. Calcutta Ladies' Golf Club, Annapurna Building, 12A, Lord Sinha Road, 6<sup>th</sup> Floor, Flat No. 605, Kolkata – 700071 and its workman Shri Anupam Das, Prasad Nagar Apartments, Flat No. 306, A/4, 27 B. T. Road, Kolkata – 700058, has been referred to this Tribunal, alongwith list of documents, Form-S, dated 18/11/2020 issued by the Conciliation Officer and Joint Labour Commissioner, Kolkata, West Bengal and Form-T, dated 27/11/2020, from the applicant Shri Anupam Das, in connection with termination of his service by his employer M/s. Calcutta Ladies' Golf Club, seeking order that the same is illegal, re-instatement in service with full back wages, consequential benefits. Thereafter, this Tribunal has framed the following issues:-

### **ISSUES**

- (1) Is the case maintainable in its present form and Law?
- (2) Is the applicant a 'Workman' within the meaning of Section 2(s) of the Industrial Disputes Act., 1947?
- (3) Whether the alleged termination of service of the applicant w.e.f end of June, 2020 by the O.P./Company through its letter dated 15/06/2020 is justified?
- (4) Whether the applicant is entitled to get any relief as prayed for?

Originally the case record was fixed for further evidence of PW-1 i.e. the workman on 19/09/2022. On 06/09/2022, both the parties filed a joint put up petition supported by verification alongwith the memorandum of settlement duly signed by both the parties supported by affidavit alongwith some documents and Manager's Cheque 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 Calcutta Ladies' Golf Club submitted that he has no objection if the instant case is disposed of on the basis of the Memorandum of Settlement.

Both the 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 06/09/2022 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 06/09/2022.

In support of their contention the workman Shri Anupam Das examined himself as PW-1, who is the workman of M/s. Calcutta Ladies' Golf Club and the copy of his Aadhaar Card is marked as Exhibit-2, the copy of his PAN Card Is marked as Exhibit-3 and the original Memorandum of Settlement is marked as Exhibit-1 and after perusal the Original Manager's Cheque its copy is marked as Exhibit-4. 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. Calcutta Ladies' Golf Club.

On the contrary one Smt. Rachna Jaidka, the Secretary of Calcutta Ladies' Golf Club examined as OPW-1 and hes authorization letter is marked as Exhibit-A and the copy of Aadhaar Card is marked as Exhibit-B and she has categorically stated about the settlement by and between the parties and she also stated that the management of Calcutta Ladies' Golf Club has no objection if the present case is disposed off as per terms and conditions 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.



It reveals that the management of Calcutta Ladies' Golf Club duly authorized vide authorization letter (Exhibit-A) to Rachna Jaidka to sign and execute the terms of settlement between the parties and accordingly Rachna Jaidka put her signatures upon the same. It further reveals that the management has paid Rs. 2,30,000/- to the Petitioner Shri Anupam Das through Manager's Cheque and Rs. 30,000/- in cash which has been admitted by the petitioner Sri Anupam Das 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 06/09/2022 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 06/09/2022, filed by both the parties are allowed in presence of both the parties of this proceeding. Accordingly the instant case is finally disposed off in terms of the memorandum of settlement dated 06/09/2022 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, in-charge  
of 7<sup>th</sup> Industrial Tribunal  
21/09/2022

**Judge**  
Seventh Industrial Tribunal

Judge, 5<sup>th</sup> Industrial Tribunal, in-charge  
of 7<sup>th</sup> Industrial Tribunal  
21/09/2022

**Judge**  
Seventh Industrial Tribunal

