

I/25243/2018

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

No. Labr/641/(LC-IR)

Date : 28/08/2018

ORDER

WHEREAS under the Government of West Bengal, Labour Department Order No. 1030-IR dated 11/11/2013 the Industrial Dispute between M/s:Oberoi Airport Services at Netaji Subhas Chandra Bose International Airport (Domestic Terminal Buildings), Kolkata-52 and their workman 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, 7th Industrial Tribunal, West Bengal.

AND WHEREAS the Judge of the said 7th Industrial Tribunal, West Bengal, has submitted to the State Government its award 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

No. Labr/641/1(5)/(LC-IR)

Date : 28/08/2018

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

1. M/s Oberoi Airport Services at Netaji Subhas Chandra Bose International Airport (Domestic Terminal Buildings), Kolkata-52 .
2. Shri Kaushik Sinha, Malancha Apartment, D-1, Block -C, 1st Floor, 251, Pulin Avenue, 2-1/2 No. Airport Gate, Kolkata-81 .
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The Labour Commissioner, W.B. New Secretariate Buildings, 1, K. S. Roy Road, 11th Floor, 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/641/2(2)/(LC-IR)

Date : 28/08/2018

Copy forwarded for information to :

1. The Judge, 7th . Industrial Tribunal, West Bengal with reference to his Memo No. 898-L.T. dated 10/05/2018 .
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.

Deputy Secretary

In the matter of an Industrial Dispute between Messrs. Oberoi Airport Services at Netaji Subhas Chandra Bose International Airport (Domestic Terminal Buildings), Kolkata – 52 and their workman Shri Kaushik Sinha, Malancha Apartment, D-1, Block-C, 1st Floor, 251, Pulin Avenue, 2-1/2 No. Airport Gate, Kolkata - 700081, referred to this Tribunal vide G.O. No. 1030-I.R./IR/11L-66/12 dated 11-11-2013.

(Case No.VIII-59/2013)

Before The Judge, Seventh Industrial Tribunal, Kolkata.

Present

Shri Avani Pal Singh, Judge,
Seventh Industrial Tribunal,
Kolkata.

A W A R D

Dated : 04-05-2018

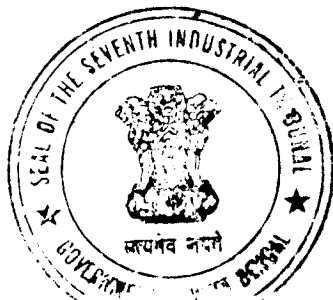
This industrial dispute between Messrs. Oberoi Airport Services at Netaji Subhas Chandra Bose International Airport (Domestic Terminal Buildings), Kolkata – 52 and their workman Shri Kaushik Sinha, Malancha Apartment, D-1, Block-C, 1st Floor, 251, Pulin Avenue, 2-1/2 No. Airport Gate, Kolkata – 700081 was referred by the Govt. of West Bengal, Labour Department, vide Order No.1030-I.R./IR/11L-66/12 dated 11-11-2013 to this Tribunal for adjudication of the following issues:-

I S S U E S

1. Whether the termination of service of Sri Kaushik Sinha w.e.f. 13-04-2012 by the management of M/s. Oberoi Airport Services was justified?
2. To what relief, if any, is he entitled to?

* * *

Upon receipt of the reference, the instant case No.VIII-59/2013 u/s. 10 of the Industrial Disputes Act, 1947 was registered and necessary notices were served upon the parties. Both parties duly appeared and filed their respective statements of facts and list of documents. upon which the matter went into evidence. During evidence the parties entered into a mutual settlement. Accordingly, they have filed a joint petition along with a Memorandum of Settlement. with a prayer for passing an Award in terms of the settlement. The concerned workman Sri Kaushik Sinha and one Mr. Ahmad Imam Malik. who is employed in M/s. Oberoi Flight Services as Head, Corporate Affairs have deposed in support of their joint petition of compromise and terms of the Memorandum of Settlement.



In terms of the settlement, the workman Sri Kaushik Sinha has received a demand draft being No. 403947 dated 12.02.2018 issued in his favour by the Dalhousie Square Branch of H.S.B.C. Ltd., A/c. No. 031-918543-001(EIH Ltd. – Oberoi Flight Services Kol) of value Rs.2,25,000/-(Rupees Two Lakh Twenty Five Thousand Only) and issued a receipt thereof, which has been kept with the records. That apart, the company representative Mr. Ahmed Imam Malik assures that the concerned offices of the company shall assist the workman to complete the necessary formalities for release of his Provident Fund dues from the authorities.

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 the Award in terms of the Memorandum of Settlement. Let the instant reference be disposed of in terms of Memorandum of Settlement in between the parties filed this day, which do form part of the Award.

This shall be the Award passed in Case No.VIII-59/2013, drawn up in respect of dispute vide G.O. No. 1030-I.R./IR/11L-66/12 dated 11-11-2013, referred to this Tribunal by Labour Department, Govt. of West Bengal.

Dictated & corrected by me.

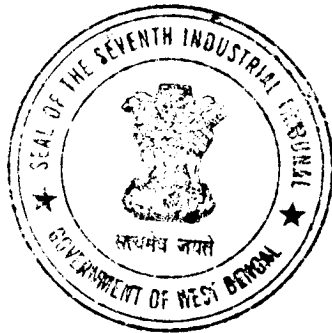
Sdt
Judge.

Judge
Seventh Industrial Tribunal

Sdt
(Avani Pal Singh)

Judge
Seventh Industrial Tribunal
Kolkata
04-05-2018

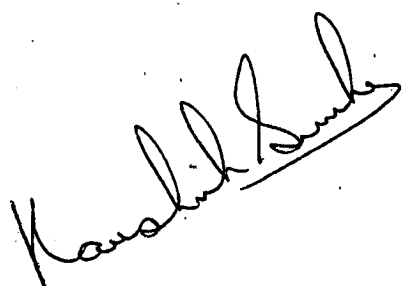
Judge
Seventh Industrial Tribunal



MEMORANDUM OF SETTLEMENT

- I. Name of the Parties : Oberoi Airport Services (Unit of EIH Ltd)
And
Shri Kaushik Sinha
- II. Representing Employer : Shri Ahmed Imam Malik
- III. Representing Employee : Shri Kaushik Sinha, ex-employee
concerned
- IV. Short Recital of the case :

An industrial dispute between Shri Kaushik Sinha an ex-employee of the company (now closed) is pending before the Ld. 7th Industrial Tribunal, West Bengal and during the pendency of the matter one letter dated 24.02.2015 issued by Mr. N. Jayakumar, Joint G.M. (Commercial) of the Airport Authority of India has been received by Oberoi Airport Services, the company named in the Order of Reference, ^{which was unit of EIH Ltd.} with regard to cessation of Licence for Operating Lounge/Restaurant-cum-Bar in New Integrated Terminal Building, Netaji Subhas Chandra Bose International Airport, Kolkata and vacation of premises on expiry of Licence period and handing/taking over the charge on 28.02.2015 and in view of the said letter issued by the Licensor Airport Authority of India the unit of the company Oberoi Airport Services, the company named in the Order of Reference had no existence since 28.02.2015 onwards in view of handing and taking over the Licence i.e. Lounge/Restaurant-cum-Bar as per the receipt thereto by the





Airport Authority of India. The company brought such facts on record by filing a petition dated 27.08.2017. Thereafter pursuant to protracted negotiation between the parties i.e. Shri Kaushik Sinha, the ex-employee concerned and the company the matter has been settled out of Court on the following terms and conditions:

V. Terms of Settlement:

(a) The Company agreed to pay a sum of Rs. 2,25,000/- (Rupees Two Lakhs twenty-five thousand) only by way of a package deal to Shri Kaushik Sinha in full and final settlement of all his claims, dues, wages including his claim of reinstatement and any other claim on any account whatsoever and Shri Kaushik Sinha has agreed to receive the payment of Rs. 2,25,000/- (Rupees Two Lakhs twenty-five thousand) only in full and final settlement of all his claims and dues including his claim of reinstatement.

(b) The company agrees to provide the required assistance in the process of the application for release of Provident fund by Sri Kaushik Sinha.

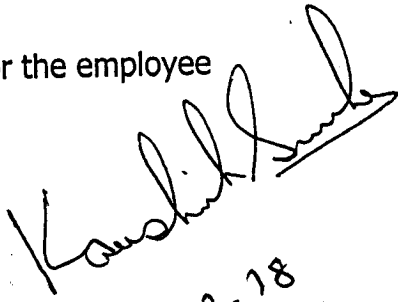
VI. All disputes and issues upto and inclusive on the date of the settlement and/or in future will be deemed to have been settled.

Kaushik Sinha

Ahmed Imran Malik

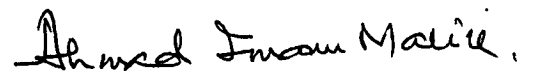
The employee concerned will not claim any amount in future and will not file any case before the Court/Tribunal on any account whatsoever.

For the employee



26.02.18

For the Company.



26.02.18