

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

No. Labn. 16901 (LC-IR)

Date 11-09-18.

ORDER

WHEREAS an industrial dispute existed between M/S: Alakendu Bodh Niketan Residential, P-1/4/1, C.I.T. Scheme, VII-M, VIP Road, Kankurgachi, Kolkata -54 and their workman Sri Shyamal Bhattacharjee, S/O: Late Haripada Bhattacharjee, C/O: Sri Narayan Bhattacharjee, Dhalua, Nabapply, P.O.: Dhalua, Via-Panchpotal, Garia, Kolkata-700152 regarding the issues being a matter specified in the third schedule of the Industrial Dispute act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute act, 1947 (14 of 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,

Sd/-

Deputy Secretary
to the Government of West Bengal

(2)

No. Labr. 169/1(2) - IR

Dated 11-09-18.

Copy forwarded for information to :

1. The Judge, Seventh Industrial Tribunal with reference to his Memo No. 1147-LT dated 11/06/2018.
2. The Joint Labour Commissioner (Statics), W.B., 6, Church Lane, Kolkata-700001.



Deputy Secretary

No. Labr. 169/2(5) - IR

Dated 11-09-18.

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

3. M/s Alakendu Bodh Niketan Residential, P-1/4/1, C.I.T. Scheme, VII-M, VIP Road, Kankurgachi, Kolkata -54 .
4. Sri Shyamal Bhattacharjee, S/O: Late Haripada Bhattacharjee, C/O: Sri Narayan Bhattacharjee, Dhalua, Nabapally, P.O.: Dhalua, Via-Panchpotal , Garia, Kolkata-700152 .
5. The Assistant Labour Commissioner, W.B., In-Charge of Labour Gazette.
6. The Labour Commissioner, W.B., New Secretariat Building (11th Floor), 1, Kiran Sankar Roy Road, Kolkata - 700001.
- ✓ 7. 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

Present: Shri Avani Pal Singh, Judge, Seventh Industrial Tribunal

Case No. 08/2018; u/s. 2A(2) of the Act 14 of 1947

Sri Shyamal Bhattacharjee, S/o. Late Haripada Bhattacharjee, C/o. Sri Narayan Bhattacharjee, residing at Dhalua, Nabapply, P.O.-Dhalua, Via – Panchpotal, P.S.-Sonarpur, Garia, Kolkata – 700 152Applicant.

-versus-

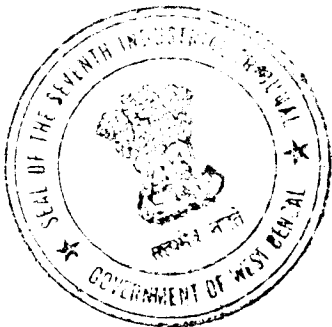
M/s. Alakendu Bodh Niketan Residential (shortly ABNR), Head Office at P-1/4/1, C.I.T. Scheme, VII-M, VIP Road, Kankurgachi, Kolkata – 700 054.

....O.P./Company.

A W A R D

Dated : 08-06-2018

The instant case No.08/ 2A(2) / 2018 came to be registered upon filing of an application dated 21.02.2018 by the workman Sri Shyamal Bhattacharjee under Section 2A(2) of the Industrial Disputes Act, 1947 (together with letter of authority and service copies of the application), wherein the said Sri Shyamal Bhattacharjee claimed to be a workman and raised an industrial dispute against his employer M/s. Alakendu Bodh Niketan Residential (ABNR) with its Head Office at P-1/4/1, C.I.T. Scheme, VII-M, VIP Road, Kankurgachi, Kolkata – 700 054, alleging wrongful and illegal termination of service by the said employer and seeking reinstatement in service with full back wages and consequential benefits. Upon registration of the instant case, notice was issued upon the O.P./Company, directing them to appear on 20.03.2018 and file their written statement. The O.P./Company duly appeared on the date fixed through their Ld. Advocate and prayed for time to file their written statement. However, before such written statement as well as list of documents could be filed by the parties, they 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 Shyamal Bhattacharjee and Sri Pranab Kumar Raychaudhuri, the authorized representative/signatory of the O.P./Company M/s. Alakendu Bodh Niketan Residential (ABNR) have deposed in support of their joint-petition of compromise and the terms of the Memorandum of Settlement.



Contd....P/2.

(2)

In terms of the settlement, the workman Sri Shayamal Bhattacharjee has received 2 (two) cheques being No.327332 dated 08.06.2018 drawn on Account No.0956000100027158 of value **Rs.2,10,000/-** (Rupees Two Lakhs Ten Thousand only) & No. **067026** dated 08.06.2018 drawn on Account No. 0956000100027167 of value **Rs.10,000/-** (Rupees Ten Thousand only), both accounts held in the Maniktala Branch (0956) of Punjab National Bank, from the company representative. Upon receipt of such cheques, Shri Debasis Mondal has issued a receipt thereof in writing, which may be kept with the records. Further copies of the cheques duly counter-signed by the authorized representative of the O.P./Company have also been filed and may be kept with the records.

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 an Award, in terms of the Memorandum of Settlement duly executed by and between the parties.

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

The aforesaid shall **constitute the Award** passed in the instant case.

Dictated & corrected by me.

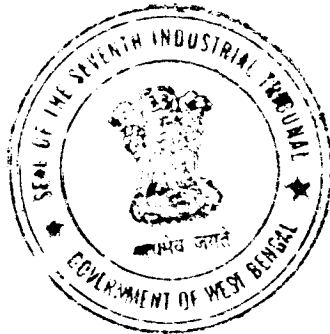
sdf
Judge.

~~Seventh Industrial Tribunal~~

sdf
(Avani Pal Singh)
Judge

Seventh Industrial Tribunal
Kolkata
08-06-2018

Judge
~~Seventh Industrial Tribunal~~



MEMORANDUM OF SETTLEMENT

Name of the Parties ALAKENDU BODH NIKETAN
RESIDENTIAL (ABNR)
P-1/4/1, C.I.T. Scheme VII-M,
V.I.P. Road Kankurgachi,
Kolkata - 700 054.

-AND-

SRI. SHYAMAL BHATTACHARJEE,
C/o.Narayan Gopal Bhattacharjee,
Dhalua, Nabapally ,
Post Office-Dhalua, Via - Panchpota,
Police Station- Sonarpur, Garia,
Kolkata - 700 152.

The Memorandum of Settlement arrived at between the Parties abovenamad is as follows :-

1. That an Industrial dispute is pending for adjudication before the Ld. Industrial Tribunal No.7 Govt of West Bengal being Case No.08 of 2018 under Section 2A(2) of Industrial Dispute Act. 1947.
2. That during the course of hearing of the case, the Parties to the dispute has decided to settle the matter of the dispute among themselves mutually in the following terms and conditions which are as follows :

- A) That the workman concerned in the dispute has agreed to accept a lump sum amount of Rs. 2,20,000/- for the

Pranab Kumar Ray Chowdhuri

Pranab Kumar Ray Chowdhuri
Secretary
Alakendu Bodh Niketan Residential

Shyamal Bhattacharjee

Hony Treasurer

Alakendu Bodh Niketan Reside

Shyamal Bhattacharjee

services rendered by him with the Alakendu Bodh Niketan Residential, Khirpai Unit, West Midnapore, West Bengal, vide Cheque No. 327332 _____ dated 08.06.2018 for Rs. 2,10,000/- and Cheque No. 067026 Dated 08.06.2018 for Rs. 10,000/- both drawn on Punjab National Bank, Manicktala Branch.

- 3) That the workman is agreed to withdraw the case pending before the Ld. 7th Industrial Tribunal, W.B., on receipt ^{encashment} of the amount ^{of the cheques} as agreed upon in full.
- 4) That the Workman is withdrawing the instant case and no further dispute will be raised by him against the Management of Alakendu Bodh Niketan Residential (ABNR) in future.
- 5) That a copy of this Settlement shall be filed by the parties before the Ld.. 7th I.T. W.B., with a prayer to pass final Award/Order in the case No. 08 of 2018

U/s. 2A (2) of I.D. Act, 1947

Shyamal Bhattacharjee
SHYAMAL BHATTACHARJEE

Ramesh Kumar Raychoudhary
Hony. Secretary
Alakendu Bodh Niketan Residential
MANAGEMENT OF ALAKENDU BODH NIKETAN
RESIDENTIAL (ABNR)

WITNESS :

1. Siraj Kishor Bhowmik
Advocate
8.6.18
2. d.c. Harde
Advocate
8/6/18

[Signature]
Hony. Treasurer
Alakendu Bodh Niketan Residential