

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

No. Labr/ 148 / (LC-IR)/ 22015(16)/32/2026

Date : 09-02-2026

ORDER

WHEREAS an industrial dispute existed between M/s. Meghna Farm Products, Vill. – Kamarpole, P.O. – Sarisha, South 24 Parganas – 743504, West Bengal and its workman Sahajan Fakir @ Sajahan Fakir, Vill. – Nila, P.O. – Kachuberia, South 24 Parganas – 743504, regarding the issues, being a matter specified in the second schedule of the Industrial Dispute Act' 1947 (14 of 1947);

AND WHEREAS the 8th Industrial Tribunal, Kolkata has submitted to the State Government its Award dated 06.11.2025 in Case No. 01/2019 on the said Industrial Dispute Vide e-mail dated 29.01.2026 in compliance of Section 10(2A) of the I.D. Act' 1947.

NOW, THEREFORE, in pursuance of the provisions of Section 17 of the Industrial Dispute Act' 1947 (14 of 1947), the Governor is hereby pleased to publish the said Award in the Labour Department's official website i.e **labour.wb.gov.in**

By order of the Governor,


Assistant Secretary

to the Government of West Bengal

No. Labr/ 148 /1(5)/(LC-IR)/ 22015(16)/32/2026

Date : 09-02-2026

Copy forwarded for information and necessary action to :-

1. M/s. Meghna Farm Products, Vill. – Kamarpole, P.O. – Sarisha, South 24 Parganas – 743504, West Bengal.
2. Sahajan Fakir @ Sajahan Fakir, Vill. – Nila, P.O. – Kachuberia, South 24 Parganas – 743504.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The OSD & EO Labour Commissioner, W.B., New Secretariat Building, 11th Floor, 1, Kiran Sankar Roy Road, Kolkata – 700001.
5. The Deputy Secretary, IT Cell, Labour Department, with request to cast the Award in the Department's website.


Assistant Secretary

to the Government of West Bengal

No. Labr/ 148 /2(3)/(LC-IR)/ 22015(16)/32/2026

Date : 09-02-2026

Copy forwarded for information to :-

1. The Judge, 8th Industrial Tribunal, N. S. Building, 1, K.S. Roy Road, Kolkata - 700001 with reference to e-mail dated 29.01.2026.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.
3. Office Copy.


Assistant Secretary

to the Government of West Bengal

In the matter of an industrial dispute between M/s. Meghna Farm Products, Vill. – Kamarpole , P.O. – Sarisha, South 24 Parganas – 743504 (the Company Employer/ Opposite Party) and Sahajan Fakir @ Sajahan Fakir, Vill. – Nila, P.O. – Kachuberia, South 24 Parganas – 743504 has been initiated due to an application filed by the applicant Sahajan Fakir @ Sajahan Fakir U/s. 10(1B)(d) of the Industrial Disputes Act, 1947 against M/s. Meghna Farm Product as stated above.

(Case No. 01/2019)
Under Section 10(1B)(d) of the Industrial Disputes Act, 1947

Before the Eighth Industrial Tribunal: West Bengal

Present Sri Amit Chattopadhyay

Judge,

Eighth Industrial Tribunal,

West Bengal.

Sri Sajahan FakirApplicant / workman

Vs.

M/s. Meghna Farm Product O.P. Company

A W A R D

Dated 06.11.2025

An industrial dispute between M/s. Meghna Farm Product, Vill. – Kamarpole , P.O. – Sarisha, South 24 Parganas – 743504 and Sahajan Fakir @ Sajahan Fakir, Vill. – Nila, P.O. – Kachuberia, South 24 Parganas – 743504 (The workman / Applicant) has been initiated due to an application filed by Sahajan Fakir @Sajahan Fakir U/s. 10(1B)(d) of the Industrial Disputes Act, 1947 against M/s. Meghna Farm Product as stated above. On the basis of both the written statements this Tribunal has framed the following issues on 22.03.2021 for the purpose of adjudication of the case.

I S S U E (S)

- 1) Whether this application under Section 10(1B)(d) of Industrial Disputes Act is maintainable?
- 2) Whether the termination / dismissal of service of the applicant by the O.P. Company is illegal and unjustified
- 3) to what relief, if any, is the applicant entitled to?

The case of the applicant workman is that he joined in the service of the opposite party in 2003 as a manual labour till his illegal and unjustified termination of service with effect from 20.08.2015 by way of refusal of employment without any rhyme or reason and he had never faced any disciplinary action from the opposite party and in fact he discharged all his duties having unblemished service record. No show cause, charge sheet was ever issued to the workman and no domestic enquiry was ever conducted by the opposite party. That to give illegal and unjustified termination of service with effect from 20.08.2015, a semblance of legality, a termination letter dated 20.08.2015 was also issued by the opposite party (Exhibit -2).

According to the workman no show cause or charge sheet was ever issued to him and no domestic enquiry was ever conducted by the opposite party and thus the termination of service was in violation of settled principle of law and principle of natural justice.

Furthermore there was total non compliance of the provision of Section 25 of the Industrial Disputes Act on the part of the management.

It was argued on behalf of the workman that the opposite party took no endeavor to prove the charges against the workman as in the ratio of the precedent emerged from the following case laws in such a scenario i.e. 1973(26) FLR 359, Firestone(SC) at para 31 and 36 ; 1994(2) LLJ 56, In re: Miku Singh (Cal HC) at para 7 ; 2003 LLR 337, Indian Railway (SC) at para 10 & 12 ; 2010(8) Supreme 299, Amar Chakraborty (SC) at para 11,13,15 & 17. Thus the termination of the service of the workman by the management of the company vide termination letter dated 20.08.2015 is illegal and unjustified being a unfair labour practice u/s 2(ra) of the Industrial Disputes Act read with Entry-5 of the Fifth Schedule(Part-I) and it is arbitrary illegal and violation of principle of natural justice. It was submitted further that no retrenchment compensation was paid to the workman by the company hence the said termination of service of the workman vide termination letter dated 20.08.2015 is also violative of section 25F of the I.D. Act, 1947. According to the workman he is entitled to be reinstated and full back wages along with consequential relief and to that effect the workman relies on the case laws reported in 1981 LIC 806, Mohan Lal (SC) at para – 17 , the case law reported in 2013 LIC 4249 Deepali Gundu Surwase(SC) at para – 33(i) and the case law reported in 1978 (36) FLR 217, KCP(SC) at last para.

The workman has prayed before this Tribunal to hold that the termination of service of the workman by the management of the company vide termination letter dated 20.08.2015 as illegal and unjustified and direct the company to reinstate the workman with full back wages and consequential relief together with compensation and cost.

The case of the opposite party as pleaded in their written statement is that the opposite party concern is a small proprietorship concern set up in 2004. In 2009 it becomes coverable under EPF & MP Act, 1952 in terms of numerical strength of employees. Accordingly, the applicant workman along with other employees were enrolled as PF Member with effect from 01.10.2009. The applicant joined the service in 2004, the year when the business started. The applicant was extremely negligent in his performance for which he was warned very often and he refused to obey management's direction showing arrogance. Moreover it has been contended therein that the workman was habitually negligent in performing his duty, was insubordinate to superiors and behaved in an indecent and disorderly manner. The opposite party has further alleged that despite several oral and written warnings, the workman did not mend his ways and that his conduct at severally affected the functioning of essential departments like the ETP. Therefore the management was compelled to terminate his services on account of persistent misconduct and indiscipline. According to the opposite party during the later part of the employment of the workman, he was showing reluctance to continue his service with the existing pay

and warned the management that unless he was given substantial increase in his pay he would not continue to work. The workman ultimately leave the employment tendering resignation by letter dated 28.04.2015 (Exhibit – A) but the management kept the resignation on hold so that the workman could reconsider his decision. Thereafter, he started committing act of indiscipline with more vigor. It has also been stated in the written statement that the workman was in habit of refusing to accept written communication from the management. It is alleged that on 01.08.2015 the workman was found sleeping during duty hours. The management asked the workman to work in effluent treatment plant (ETP) related job in the first half and to clean the plant in the second half of the day. The workman flatly refused to do the job as allotted and preferred to remain idle declaring that he would do the job as per his own choice. Having considered such misconduct and act of indiscipline the proprietor called the applicant to counsel him and asked him to show cause of his such conduct of sleeping at workplace and refusal to obey the order of superior amounting to insubordination etc. The workman without showing any cause behaved with the proprietor in a most indecent manner and asked him to remove him from service or to allow him to work the way he liked best. The management issued order of dismissal narrating such conduct on the part of the workman but the workman again refused to accept the letter of dismissal. In the written statement the management denied the allegation made by the workman. It has been specifically contended that the workman filed the instant case which is an attempt to have wrongful gain and for unjust enrichment.

Now I am taking up the issue no. 1 for consideration.

Issue No. 1

It is stated that the opposite party has submitted that the instant case is not maintainable due to non-raising of industrial dispute afresh in terms of the Hon'ble High Court's order (Exhibit-7). The opposite party raised legal objection as to the legality of issuing certificate on same cause of action for the second time, particularly when the applicant admittedly on the strength of the certificate filed application u/s 10(1B)(d) which was dismissed. It was submitted on behalf of the company that the order of the Hon'ble High Court had not conferred any power upon the conciliation officer to issue certificate for the second time on the strength of which the present application has been preferred and the case registered pursuant thereto, because earlier conciliation officer issued certificate of pendency of dispute and the application on the strength thereof was dismissed. It is submitted that statute does not provide issuance of certificate on self same cause action twice, hence the certificate is invalid under law and the application on the strength thereof cannot be maintainable. The Hon'ble High Court has given liberty to initiate fresh proceedings on account of termination of services of the applicant which he could exercise in accordance with law by way of reference case u/s 10. This apart, there is no evidence on record to show that the applicant has raised any dispute afresh before the government of

west Bengal to initiate fresh proceedings for which liberty was given by the High Court and has only produced letter dated 01.09.2015 (Exhibit – 3).

On examining the documents and records it is revealed that it is factually incorrect from Form – P4 (Exhibit-8) and Form – S (Exhibit-9). Those documents speak that the workman have raised industrial dispute on 8.4.2019 and the same has not been denied by the opposite party. Thus the said submission has no leg to stand upon. It further reflected from the record that the workman filed a writ petition and Hon'ble High Court by order dated 12.03.2019 gave the workman liberty to initiate fresh proceedings and accordingly, the workman made representation and again obtain certificate u/s 10(1B) on 29.11.2019 and on the strength thereof he again filed an application invoking the said provision before this Ld. Tribunal. In cases of termination as effected vide termination letter dated 20.08.2015 issued by the opposite party (Exhibit -2), the raising of prior industrial dispute before the employer is not a mandatory requirement of law. In support of the contention of the workman the Ld. Advocate of the workman relied the case laws reported in 1983(II) LLJ 383, Sadharam at para-2 and the case law reported in 2014(3) CHN 510, M/s. King & Co. (HC) Pvt. Ltd. at para 22 to para 27.

Considering the submission of the both the parties and on perusal of the case laws I am of the view that the instant case filed by the workman is maintainable in law.

Accordingly, the Issue No. 1 is answered affirmative.

Now I am taking up the issue no. 2 & 3 for consideration.

Issue No. 2 & 3

I have carefully examined the documentary evidence as well as the oral evidence adduced by the parties to the case. In order to substantiate the contention of the workman, the workman himself has adduced evidence in this case. On behalf of the company two witnesses were examined and they were cross examined in full.

On analyzing the entire evidence on record both oral and documentary it unequivocally establishes that the factum of cessation of employment has not been disputed by the opposite party. The contention of the opposite party is that the applicant was dismissed from service for committing misconduct and it is not a case of termination simpliciter which the applicant also indicated in this application while stating stigma was attached to termination. That apart the workman admitted in his evidence on 17.01.2025 that it is true that the company dismissed him for his several misconduct.

From the pleading of the management and also the evidence of the applicant, it becomes undisputed fact that no enquiry was conducted for the misconduct the applicant committed. The workman also admitted it.

The workman, Sri Sajahan Fakir, examined himself by filing an affidavit. He reiterated that no show cause notice or charge sheet was ever issued to him and that no domestic enquiry was held. He denied the allegations of misconduct and stated that his termination was done by way of refusal of employment without any opportunity to defend himself. In cross-examination, however, the workman admitted that the company dismissed him for several misconducts and further stated that he is now engaged in farming.

During cross examination the applicant admitted that he cannot sign, but Exhibit-3 the letter dated 01.09.2015 which he produced in course of his evidence bearing his signature at the bottom of the letter was shown to him. In answer he denied that he did not put his signature in Exhibit-3 where his name has been written. Again in his evidence affirming affidavit the applicant asserted that Exhibit-3 is his representation. These two versions are contradictory to each other – one is on oath before the Ld. Tribunal and the other is before the Notary Public. This exposes his conduct and shakes his credibility. The applicant also during cross examination made categorical statement on 06.08.2024 “I have no knowledge about the contents of Examination-in-Chief before this Court”. The onus lies on the applicant to prove his case by adducing evidence but in the instant case the applicant has failed to discharge his onus. It emerges that the workman does not have any knowledge about what has been filed as his evidence. No reliance can be place on the evidence adduced in his Examination-in-Chief. Evidence-in-Chief produced by the applicant on affidavit has no evidential value as the applicant has no knowledge about the contents thereof.

OPW-1 Sri Sibnath Bhattacharjee in his evidence has stated that the workman was very lazy, neglected his duties, and was often found spending idle time during working hours. His unsatisfactory behavior and attitude were duly brought to the notice of the proprietor. He admitted in cross-examination that no domestic enquiry had been conducted against the workman. No better evidence has been produced by the workman to disbelieve the evidence of OPW-1.

According to OPW-2 Sri Biswajit Ghosh that he is the proprietor of the management establishment. He stated that on 01.08.2015, the workman was found sleeping during duty hours and, when reprimanded, retorted insolently that he would perform his duty as he wished. Despite several verbal warnings and a written warning dated 08.08.2015 (which the workman refused to accept), his conduct did not improve. The workman was also called for counseling on 18.08.2015 and asked to explain his behaviour, but he gave no explanation. Owing to his continued indiscipline, negligence, and insubordination, the management had no alternative but to remove him from service. In cross-examination, the proprietor reiterated that the workman was dismissed for repeated acts of misconduct and negligence and the main contention of the OPW-2 remain uncontroverted.

It is admitted by both parties that the workman had been in continuous employment with the management since the date of joining of the applicant and that his services were terminated on 20.08.2015.

It is also admitted that no formal domestic enquiry was conducted , nor was any charge sheet or written show cause notice issued prior to termination. However, the management has categorically stated in its written statement and through oral evidence that it had issued several verbal warnings and a written warning dated 08.08.2015 which the workman refused to accept. There is also evidence that the workman was counseled and verbally asked to explain his acts of misconduct but chose to remain defiant.

From the oral evidence of OPW-1 and OPW-2, it stands established that the workman was habitually negligent, used to sleep during working hours, and was grossly insubordinate towards his superiors. His behaviour of refusing to accept a written warning and his statement to the proprietor that “he would do his duty the way he wishes” clearly reflects a contumacious and in-disciplined attitude inconsistent with the obligations of a workman.

The workman, in his own cross-examination, admitted that his services were terminated for several misconducts. Thereby the workman has effectively admitted to committing the misconduct alleged against him. This admission establishes the factual basis for termination. The workman has acknowledge the misconduct and such admission of misconduct give strength the case of the opposite party and narrow the scope of the dispute. The workman did not produce any documentary or oral evidence to disprove or contradict the allegations made by the management. There is also no material to suggest that the management acted with mala fide intention or victimized him.

While it is true that the management did not conduct a formal domestic enquiry, the law is well settled that when no domestic enquiry is held or if it is defective, the management is entitled to adduce evidence before the Tribunal to justify the dismissal. On this aspect the management relied on the case laws of the Workmen of Motipur Sugar Factory Pvt. Ltd. vs. Motipur Sugar Factory Pvt. Ltd. (1965 LLJ 2 SC 162 at page 169, 170)

The Tribunal can, therefore, consider such evidence to determine whether the dismissal is justified on merits.

In the present case, the management has led sufficient evidence before the Tribunal substantiating the charges of negligence, insubordination and misbehaviour. The evidence of both management witnesses is consistent and credible, and there is no contradiction to disbelieve their testimony.

The acts complained of—sleeping during duty hours, refusal to obey instructions and rude behaviour towards superior officers—constitute serious misconducts under the accepted industrial discipline. Persistent negligence and defiance of orders in a small establishment like the present one, where the workman was engaged in a vital area such as ETP, are sufficient grounds for loss of confidence and just cause for dismissal.

On a careful consideration of the entire evidence and materials on record, the Tribunal is of the view that the allegations of habitual negligence, indiscipline, and insubordination levelled against Sri Sajahan Fakir have been proved and the management has successfully justified the order of termination even though no domestic enquiry was held. In my view that the termination of service of the workman was not arbitrary or mala fide but was a consequence of his own proven misconduct and disobedient attitude. Accordingly, the termination/dismissal of the workman is justified.

Since the termination/dismissal is found to be justified and the charges proved, the workman is not entitled to any relief.

Accordingly the issues No. 2 and 3 are answered as follows:

The termination of service of Sri Sajahan Fakir by the management of M/s Meghna Firm Products with effect from 20.08.2015 is justified. The workman is not entitled to any relief.

So all the three issues are disposed of.

Hence, it is

ORDERED

that the application U/s. 10(1B)(d) is maintainable according to the Industrial Disputes Act. The termination of service of Sri Sajahan Fakir by the management M/s. Meghna Farm Product w.e.f. 20.08.2015 is justified, proper and according to law.

In view of the above findings, the workman is not entitled to any relief as prayed for. Accordingly, the case is disposed of on contest and this is my award.

Let a copy of this Award be sent to the Appropriate Government for publication in the Official Gazette in accordance with law.

Dictated & corrected by me.

Judge

-Sd-
(Amit Chattopadhyay)
Judge
8th Industrial Tribunal
Kolkata
06.11.2025

GOVERNMENT OF WEST BENGAL
DIRECTORATE OF INDUSTRIAL TRIBUNALS
NEW SECRETARIAT BUILDINGS
BLOCK - 'A', 2ND FLOOR
1, KIRAN SANKAR ROY ROAD
KOLKATA - 700001

Memo. No.

Dated Kolkata, the 06.11.2025

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From: Shri Amit Chattopadhyay,
Judge,
8th Industrial Tribunal,
Kolkata - 1.

To : The Secretary to the
Govt. of West Bengal,
Labour Department,
New Secretariat Buildings, 12th Floor,
1, Kiran Sankar Roy Road,
Kolkata - 700 001.

Sub: An industrial dispute between M/s. Meghna Farm Products and
its workman Sahajan Fakir @ Sajahan Fakir under Section
10(1B)(d) of the Industrial Disputes Act, 1947.

(Case No. VIII-01/2019)

Sir,

I am sending herewith the Award passed in the matter of an industrial dispute between M/s. Meghna Farm Products, Vill. - Kamarpole , P.O. - Sarisha, South 24 Parganas - 743504 (the Company Employer/ Opposite Party) and Sahajan Fakir @ Sajahan Fakir, Vill. - Nila, P.O. - Kachuberia, South 24 Parganas - 743504 as has been initiated due to an application filed by the applicant Sahajan Fakir @ Sajahan Fakir U/s. 10(1B)(d) of the Industrial Disputes Act, 1947 against M/s. Meghna Farm Product as stated above for adjudication.

Encl: As stated above.

Yours faithfully,

-Sd-
(Amit Chattopadyay)
Judge,
Eighth Industrial Tribunal,
Kolkata
06.11.2025