

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

No. Labr/ 149 /(LC-IR)/ 22015(16)/36/2026

Date : 09-02-2026

ORDER

WHEREAS an industrial dispute existed between (1) Ashirvad Pipes Pvt. Ltd., panagarh Industrial Estate, Panagarh, Dist.- Paschim Bardhaman, PIN-713148 & (2) Freedom Security Service, Bidhannagar, Durgapur-12, Dist.- Paschim Bardhaman, PIN-713212 and its workman Mr. Nikhil Chandra Ghosh, S/o. Sri Kalipada Ghosh, Vill.-Pandudaha, P.O- Rondiha, P.S-Budbud, Dist.-Purba Bardhaman, West Bengal, Pin -713420, regarding the issues, being a matter specified in the second schedule of the Industrial Dispute Act' 1947 (14 of 1947);

AND WHEREAS the 9th Industrial Tribunal, Durgapur has submitted to the State Government its Award dated 03.02.2026 in Case No. 13/2025 on the said Industrial Dispute Vide e-mail dated 05.02.2026 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/ 149 /1(6)/(LC-IR)/ 22015(16)/36/2026

Date : 09-02-2026

Copy forwarded for information and necessary action to :-

1. Ashirvad Pipes Pvt. Ltd., panagarh Industrial Estate, Panagarh, Dist.- Paschim Bardhaman, PIN-713148.
2. Freedom Security Service, Bidhannagar, Durgapur-12, Dist.- Paschim Bardhaman, PIN-713212.
3. Mr. Nikhil Chandra Ghosh, S/o. Sri Kalipada Ghosh, Vill.-Pandudaha, P.O- Rondiha, P.S-Budbud, Dist.- Purba Bardhaman, West Bengal, Pin -713420.
4. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
5. The OSD & EO Labour Commissioner, W.B., New Secretariat Building, 11th Floor, 1, Kiran Sankar Roy Road, Kolkata – 700001.
6. 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/ 149 /2(3)/(LC-IR)/ 22015(16)/36/2026

Date : 09-02-2026

Copy forwarded for information to :-

1. The Judge, 9th Industrial Tribunal, Durgapur with reference to e-mail dated 05.02.2026.
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 Industrial Disputes between Mr. Nikhil Chandra Ghosh, S/o. Sri Kalipada Ghosh residing at Vill.-Pandudaha, P.O- Rondiha, P.S-Budbud, Dist.-Purba Bardhaman, West Bengal ,PIN -713 420

..... *Petitioner/Workman*

And

Ashirvad Pipes Pvt. Ltd. situated at panagarh Industrial Estate, Panagarh, Dist.- Paschim Bardhaman, PIN- 713 148

..... *O.P.No.1/Principal Employer*

And

Freedom Security Service at Bidhannagar, Durgapur-12, Dist.- Paschim Bardhaman, PIN- 713 212

..... *O.P.No.2/Contractor*

Ld. Advocates for the work petitioner/workman/employee –

Mr.S. K.Panda & Smt.Anima Maji

Ld. Advocates for the Ashirvad Pipes Pvt. Ltd / Principal Employer –

Mr. Soumen Karmakar & Mr. Shirsendu Mondal

Case No. 13/2025 U/s 10(1B) (d) of Industrial Disputes Act,1947.

BEFORE THE JUDGE, NINTH INDUSTRIAL TRIBUNAL, URGAPUR.

PRESENT

SRI NANDADULAL KALAPAHAR,

JUDGE, 9TH INDUSTRIAL TRIBUNAL, DURGAPUR.

Date of Award : 03.02.2026

This case is decided and the award has been passed on the basis of preliminary issue as to whether this case filed by the petitioner/workman u/s 19(1B)(d) of I.D Act,1947 is maintainable or not on the ground of jurisdictional error of the conciliation proceeding and issuance of Form-S violating the territorial limit by Asstt. Labour Commissioner, Bardhaman and the said issue has been disposed of with negative holding that this case filed by petitioner/workman is not maintainable on the basis of the order passed herein below:

*Sd/-
Judge*

10/28. 01.2026

Parties file their respective hazira. Today is the date fixed for order.

Having heard the verified petition dated 01.09.2025 filed by the principal employer for dismissing the petition filed by petitioner/workman U/S 10(1B)(d) of Industrial Dispute Act,1947 treating the petition not maintainable on the ground of jurisdictional error of the conciliation proceedings and issuance of Form-S violating the territorial limit and written objection of petitioner/workman in presence of ld. Advocate for the principal employer and the ld.Advocate for the petitioner/workman, the instant application is taken up today for passing order.

It is evident from the application filed by the principal employer that the workman filed an application before this Tribunal for adjudication of the disputes, alleging illegal termination of service with a prayer for reinstatement in service with consequential relief.

That the workman raised the disputes before ALC, Burdwan Sadar North, Purta Bhavan, Sadarghat Road, P.O-Sripally, Dist.- Purba Bardhaman, claiming reinstatement of service at the premises of Principal Employer, Ashirvad Pipes Pvt. Ltd. having its factory at Panagarh Industrial Park under Pachim Bardhaman District, as a security guard. It was also revealed from the documents produced by the Security agency before the conciliation proceedings in connection with the disputes that the workman was deployed at the premises of the principal employer at their Panagarh Unit for providing security services to the Principal Employer through the security agency M/s Freedom Securas Services having its registered office at RA-82,S B Sarani, Sector – 2B, Bidhan Nagar, Durgapur-713212, District-Paschim Bardhaman, West Bengal.

That the ALC, Burdwan conducted the conciliation proceedings to settle the matter for the purpose of brining parties to fair and amicable settlement but the conciliation fails as a result of which the conciliation office, ALC, Burdwan issued a pendency certificate in Form-S based upon the prayer of workman.

*Sd/-
Judge*

That the establishment of Principal Employer and immediate employer of the workman are situated within the jurisdiction of JLC/DLC office, Durgapur. Both the principal employer and immediate employer have no factory or establishment in Purba Bardhaman under the jurisdiction of the Labour Office, Burdwan, naturally, Conciliation officer/ALC, Burdwan does not have any jurisdiction to initiate conciliation proceedings of any industrial disputes which arises beyond his assigned area.

That the State Government has outlined the jurisdiction of Conciliation officers and its typically limited to the geographical area assigned to them by the appropriate government. The territorial jurisdiction of a Conciliation officer under the Industrial Disputes Act, 1947 is generally determined by the location of the industrial establishment or undertaking where the dispute exists or is supposed to have existed.

The power of the Conciliation officer is limited to the area for which he has been appointed and he must act within the geographical boundaries.

That the Form-S is a certificate issued by the Conciliation officer in West Bengal to indicate the pendency of conciliation proceedings. If the issuing authority or Conciliation officer lacks jurisdiction, he does not have authority to initiate conciliation proceedings in respect of the disputes raised by the workman and to issue Form-S which is pre-requisite for filing the complaint before the Industrial Tribunal.

That if a Conciliation officer conducts conciliation proceeding in respect of any industrial dispute beyond their territorial jurisdiction under the West Bengal Industrial Dispute Act, the conciliation proceedings is treated as invalid in the eye of law.

That where the Conciliation officer, Burdwan Sadar lacks inherent jurisdiction to conduct conciliation proceedings, therefore, the issuance of Form-S certifying the pendency of conciliation is nothing but a serious jurisdictional irregularities and misuse of power. Therefore, the Form-S is a very crucial document in the matter of any Industrial disputes which

*Sd/-
Judge*

certifies the pendency of conciliation proceedings before the specific Conciliation officer.

That there is no employer and employee relationship between Nikhil Chandar Ghosh and M/S Ashirvad Pipes Pvt.Ltd. so the claim of reinstatement at the premises of Principal Employer does not arise. It has also been disclosed that service agreement between Freedom Securas Services (Security Agency) and M/S Ashirvad Pipes Pvt.Ltd. has been terminated on 31.07.2023.

In view of the aforesaid facts and circumstances, the Principal Employer has prayed for dismissing the petition filed u/s 10(1B)(d) of Industrial Disputes Act, (West Bengal Amendment) 1989 with exemplary cost, treating the petition is non-maintainable on the ground of territorial jurisdiction of the conciliation proceedings and issuance of Form-S.

It has been contended by the workman by filing a written objection stating inter-alia that he was one of the permanent workmen of the employer (Principal Employer) as well as so-called contractor.

That he used to discharge the unblemished service towards the Principal Employer as well as the contractors as one of the Security Guard. That the Principal Employer as well as the contractor terminated/dismissed the job of the workman without any fault. After receiving the illegal termination letter the workman made an appeal to the Principal Employer as well as the contractor for withdrawal of termination letter and he further requested them for continuing in his services. But the employer did not pay any heed to the said prayer of the workman. At last finding no other alternative the workman was compelled to raise the dispute before the Conciliation Authority, Purta Bhavan. Thereafter, the Conciliation Authority issued summons upon the employer for conciliation of the dispute and both the employers were present on the fixed date and time before the Conciliation Authority after a prolonged discussion and conciliation, the said conciliation proceedings failed. The Conciliation Authority issued a certificate as per the provision of law in favour of the concerned workman. After receiving such failure certificate of conciliation proceedings from the concerned ALC authority, the workman filed

*Sd/-
Judge*

the same before the 9th I.T as per the provision of the required law for adjudication.

The 9th I.T was pleased to obtain and receive the said proceedings and issued notice upon the parties i.e Principal Employer and contractor for hearing of the case. On receiving the said summons both the O.Ps appeared and filed their respective objection petition and the Principal Employer raised the objection of Conciliation Authority.

That the Principal Employer has contended that Conciliation Authority of Bardhaman (Purba) has no jurisdiction to intervene into the matter as the establishment of principal employer is situated at Panagarh under jurisdiction of Paschim Bardhaman.

According to employer, the Conciliation Authority of Purba Bardhaman has no jurisdiction. It is pertinent to mention herein that the Ld. 9th I.T enjoy the jurisdiction for five districts namely, Paschim Bardhaman, Purba Bardhaman, Bankura, Purulia and Birbhum. Therefore, the 9th I.T has jurisdiction of five districts for adjudication of industrial cases of all the five districts. The objection raised by the principal employer about the jurisdiction of conciliation authority of Purba Bardhaman does not arise at all as the permanent address of concerned workman is situated at Budbud under Budbud P.S which falls under the jurisdiction of Purba Bardhaman. The concerned workman has rightly raised his dispute before the conciliation authority at Purba Bardhaman as Purba Bardhaman is under the jurisdiction of Ld. I.T.

That the establishment of principal employer though situated under Paschim Bardhaman, there is no violation of the workman raising the dispute on the ground of territorial jurisdiction. That the O.P, Principal employer raised the instant objection which is nothing but a statement of his own. That the principal employer tried to cause delay to the proceedings of this case which is unwarranted and uncalled for as the principal employer has tried to misguide the Ld. Tribunal taking the aforesaid plea which is bad in the eye of law.

*Sd/-
Judge*

In view of the above, the workman has prayed for rejecting the petition filed by the principal employer for non-maintainability of the dispute raised and filed before this Tribunal for adjudication.

On going through the Registration certificate of the principal employer named M/S Ashirvad Pipes Pvt.Ltd. issued by the Registering Officer from of the office of the Deputy Labour Commissioner the establishment of principal employer is situated at Plot No.A-21, Panagarh Industrial Park, J.L No.86, Kanksa , Durgapur – 713148, P.S-Kanksa, Purba Bardhaman.

It has been contended by the ld.lawyer for the principal employer that the ALC, Burdwan does not have any jurisdiction to initiate a conciliation proceeding of any industrial dispute which lies beyond his assigned area. Therefore, the issuance of Form-S by the conciliation officer i.e ALC, Burdwan certifying the pendency of conciliation proceeding is a serious jurisdictional irregularities and the misuse of power. The Form-S is a very crucial document in the matter of any Industrial disputes which certifies the pendency of conciliation proceedings before the specific Conciliation officer.

On the other hand, it has been submitted by ld.lawyer for the petitioner/workman that this 9th I.T has got the jurisdiction of the dispute arising out five districts such as Paschim Bardhaman, Purba Bardhaman, Bankura, Purulia and Birbhum. Therefore, this 9th I.T has the jurisdiction to adjudicate the dispute filed and raised before the 9th I.T by the petitioner/workman. The concerned workman has rightly raised his dispute before the conciliation authority at Purba Bardhaman as Purba Bardhaman is under the jurisdiction of the 9th Industrial Tribunal. Though the establishment of principal employer is situated under the district of Purba Bardhaman, there is no violation of workman raising the dispute beyond territorial jurisdiction. That the O.P, principal employer raising the instant objection for such adjudication of the dispute is nothing but a statement of his own.

It is pertinent to mention herein that in view of the notification no. 650-LW/LW/3A-01/14 dated 22.10.2014 issued by the order of the Governor, Labour Deptt., L.W. Branch published in The Kolkata Gazette on 15.01.2015 it is found that the Governor was pleased in the interest of public

*Sd/-
Judge*

service to demarcate the area of jurisdiction of the conciliation officer posted in 68 Regional Labour Offices in West Bengal noted in column II with their Head Qtrs. mentioned in column III, Dist in column IV and area of jurisdiction thereof is mentioned in column V.

From the aforesaid notification published in the Kolkata Gazette, I find that the Regional Labour Office, Burdwan Sadar North has the jurisdiction of area of holding the conciliation proceeding to Burdwan Sadar North Sub-Division of Burdwan District. The Regional Labour Office, Durgapur has been assigned the area of holding the conciliation proceeding of Durgapur Sub-Division of Burdwan District. According to ld.lawyer for the principal employer, the dispute was raised before the ALC, Burdwan for the conciliation proceeding in respect of the dispute of which ALC, Burdwan has got no jurisdiction to hold the conciliation proceeding of the dispute raised by the petitioner/workman. It is a fact that in view of such notification published in The Kolkata Gazette by the Govt. of West Bengal, Labour Deptt. the specific area of holding the conciliation proceeding has been mentioned and certainly the Regional Labour Office, Bardhaman Sadar North cannot hold the conciliation proceeding of a dispute which lies within the jurisdiction of Regional Labour Office, Durgapur. The establishment of the employer named Ashirbad Pipes Pvt.Ltd. is located under the Panagarh Industrial Park under the Kanksa P.S and within the territorial limit of Durgapur Sub-Division of Burdwan Dist. As the establishment of the principal employer is situated within the Regional Labour Office, Durgapur as such the petitioner/workman ought to have raised the dispute before ALC or DLC, Durgapur which is under the defined area of Durgapur Sub-Division of Bardhaman District.

As per the notification the ALC, Burdwan for the area of Burdwan Sadar North Sub-Division of Burdwan Dist. cannot hold the conciliation proceeding of a dispute raised by the petitioner/workman which has been assigned to the Regional Labour Office, Durgapur.

Consequently, the issuance of Form – S showing the pendency of conciliation proceeding by ALC, Bardhaman who was assigned the area of Bardhaman Sadar North Sub -Division is beyond his territorial jurisdiction

*Sd/-
Judge*

and on the basis of such Form -S issued by the ALC, Bardhaman , the petitioner/workman cannot file and raise a dispute before the 9th I.T, Durgapur on the basis of the Form -S issued by the ALC, Bardhaman which is beyond his territorial limit.

It is pertinent to mention herein that the Form -S is a valuable document for filing and raising industrial dispute before any Industrial Tribunal but so far as this case is concerned the petitioner /workman has filed the case and raised the industrial dispute before the 9th Industrial dispute, Durgapur on the basis of issuance of a Form – S issued by ALC, Bardhaman which is beyond his territorial limit as per the Notification published by the Govt. of West Bengal, Labour Department by the order of the Governor in The Kolkata Gazette dated 15/01/2015.

It is a fact that the 9th Industrial Tribunal, Durgapur has got the jurisdiction to entertain the dispute out of any of the five districts such as Purba Bardhaman, Paschim Bardhaman, Bankura, Birbhum and Purulia but it does not mean that the petitioner/workman can raise the dispute for conciliation or amicable settlement within the jurisdiction or territorial limit of any of the ALC/DLC of the Regional Labour Office of the State of West Bengal of his own choice , though the premises of the Principal Employer, Ashirvad Pipes Private Limited is situated at Panagarh Industrial Park under Paschim Bardhaman district which falls within the assigned area of Regional Labour Office, Durgapur now under the district of Paschim Bardhaman but the petitioner/workman without raising the dispute before the ALC /DLC, Durgapur for conciliation of the dispute , he raised the dispute before the Assistant Labour Commissioner, Bardhaman Sadar north who had only the defined area or the territorial limit of holding the conciliation proceeding of dispute within the area of Bardhaman Sadar North Sub-division of Bardhaman District who had no jurisdiction of initiation of conciliation proceeding of the petitioner/workman.

Resultantly, the industrial dispute raised and filed by the petitioner/workman before the 9th Industrial Tribunal on the basis of the Form - S issued by ALC, Bardhaman is not at all maintainable in the eye of law and

*Sd/-
Judge*

the aforesaid case being case no. -13/2025 u/s – 10(1B) (d) of the Industrial Dispute Act, 1947 filed by the petitioner /workman cannot be entertained on the basis of the Form -S issued by the ALC, Bardhaman which is beyond his territorial jurisdiction.

Considering the above, the instant industrial dispute filed by the petitioner/workman registered as case no. 13/2025 under section – 10(1B)(d) of Industrial Dispute Act, 1947 is liable to be dismissed on the ground of non-maintainability.

Hence, it is

ORDERED

that the petition filed by the Principal employer for the non - maintainability of the dispute before the 9th Industrial Tribunal, Durgapur filed by the petitioner/workman on the ground of lack of territorial jurisdiction of the Assistant Labour Commissioner, Bardhaman for issuance of Form -S be and the same is considered and allowed on contest.

Accordingly, the industrial dispute filed by the petitioner/workman before this Industrial Tribunal at Durgapur registered as the case no. 13/2025 under section – 10(1B)(d) of Industrial Dispute Act, 1947 is hereby dismissed on the ground of non-maintainability of the same on the basis of the Form -S issued by the Assistant Labour Commissioner, Bardhaman beyond his territorial limit for holding the conciliation proceeding in connection with dispute raised by the petitioner/workman before him.

Liberty is given to the Petitioner/workman to raise the dispute before the Assistant Labour Commissioner or Deputy Labour Commissioner having the territorial limit for holding the conciliation proceeding of the dispute and then to file the case before the Industrial Tribunal provided the same is within the period of limitation.

*Sd/-
Judge*

Thus, this petition of Principal employer together with the case no. 13/2025 under section – 10(1B)(d) of Industrial Dispute Act, 1947 filed by the petitioner/workman before this 9th Industrial Tribunal at Durgapur hereby stands disposed of .

D/C by me

Sd/-

Judge,

9th Industrial Tribunal,

Durgapur

sd/-

Judge,

9th Industrial Tribunal,

Durgapur