

I/553862/2024

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

No. Labr/ 902 / (LC-IR)/22015(16)/56/2024

Date : 04-09-2024

ORDER

WHEREAS under reference of Labour Department's Order No. 1157-I.R./IR/11L-105/2005 dated 11.11.2010 the Industrial Dispute between M/s. St. Denis School, 80, Girish Ghosh Road, P.O. – Belurmath, P.S. – Bally, Howrah – 711202 and its workman Sri Shiv Shankar Singh, 34, Girish Ghosh Road, P.O. – Belurmath, P.S. – Bally, Dist. Howrah, Pin – 711202 regarding the issues 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 Fourth Industrial Tribunal, Kolkata.

AND WHEREAS the said Fourth Industrial Tribunal, Kolkata, has submitted to the State Government its Award dated 20.08.2024 in case No. VIII-49/2010 u/s 10 of the I. D. Act, 1947 on the said Industrial Dispute vide Memo No. Dte./4th I.T/037/2024 dated 22.08.2024.

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,

Sdf
Assistant Secretary

to the Government of West Bengal

No. Labr/ 902 /1(5)/(LC-IR)/22015(16)/56/2024

Date : 04-09-2024

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

1. M/s. St. Denis School, 80, Girish Ghosh Road, P.O. – Belurmath, P.S. – Bally, Howrah – 711202.
2. Sri Shiv Shankar Singh, 34, Girish Ghosh Road, P.O. – Belurmath, P.S. – Bally, Dist. Howrah, Pin – 711202.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B. New Secretariat Building, 1, K. S. Roy Road, 11th Floor, Kolkata- 700001.
5. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.

Bm
Assistant Secretary

No. Labr/ 902 /1(3)/(LC-IR)/22015(16)/56/2024

Date : 04-09-2024

Copy forwarded for information to :

1. The Judge, Fourth Industrial Tribunal, Kolkata, N.S. Building, 2nd Floor, 1, K.S. Roy Road, Kolkata-700001 with reference to his Memo No. Dte./4th IT/037/2024 dated 22.08.2024.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.
3. Office Copy.

Assistant Secretary

09/08/17 / Sandeep Satta
06/09/24
Sir
6/9

In the matter of an Industrial Dispute between M/s. St. Denis School, 80, Girish Ghosh Road, P.O. Belurmam, P.S. Bally, Howrah-711 202 and their workman Shri Shiv Shankar Singh, 34, Girish Ghosh Road, P.O. Belurmam, P.S. Bally, Dist. Howrah.

(Case No. VIII-49/2010)

BEFORE THE FOURTH INDUSTRIAL TRIBUNAL: WEST BENGAL

P R E S E N T

SHRI NANDAN DEB BARMAN, JUDGE
FOURTH INDUSTRIAL TRIBUNAL
KOLKATA.



A W A R D

Dated: 20th August, 2024.

Today is the date fixed for awaiting further order in connection with the Writ Petition bearing WP No. 32527 (W) of 2014 and passing final order of disposal and Award on amicable settlement of dispute. Ld. Counsel appearing on behalf of the OP/Employer M/s. St. Denis School has filed a petition along with a certified copy of the Order of the Hon'ble High Court at Calcutta, passed in WP No. 32527 of 2014. Let the certified copy of the Order be kept with the record.

Having heard the submission of the Ld. Counsel and on perusal of his petition and the aforesaid certified copy of Order, passed in connection with the aforesaid Writ Petition No. 32527 of 2014 admittedly it appears that the Hon'ble Court in its Order dated 06.08.2024 has been pleased to dismiss the aforesaid Writ Petition No. 32527 of 2014 as infructuous and vacated the interim order, if any, on the ground that it was submitted on behalf of the petitioners that during pendency of the proceeding the petitioners have settled their dispute with the private respondent and do not want to proceed with the matter any further.

So from the aforesaid order of the Hon'ble Court it is clear that at present no such interim order in connection with the aforesaid Writ Petition is pending before the Hon'ble High Court at Calcutta and the Award on amicable settlement of dispute as sought for by the parties to this case may be granted without any further hesitation about pendency of any proceeding before any higher forum.

This industrial dispute between M/s. St. Denis School, 80, Girish Ghosh Road, P.O. Belurmam, P.S. Bally, Howrah-711 202 and their workman Shri Shiv Shankar Singh, 34, Girish Ghosh Road, P.O. Belurmam, P.S. Bally, Dist. Howrah has been referred by the Government of West Bengal, Labour Department vide its order No. 1157-I.R./IR/11L-105/2005 dated 11th November, 2010 to this Tribunal for adjudication of the following issues.

I S S U E (S)

1. Whether the dismissal of service of Shri Shiv Shankar Singh, workman of St. Denis School with effect from 11.11.2004 by the management of the School is justified ?
2. What relief, if any, is he entitled to ?

Upon receipt of the said reference and observing all the formalities this case continued to proceed with having respective evidences from the end of both the parties but fortunately during pendency of the adjudication before this Tribunal both the parties having amicable settlement of the dispute have filed a joint petition of Memorandum of Settlement in Form-J on 16.06.2024 with a prayer for disposal of the case on the basis of their amicable settlement of dispute. Having heard both side Ld. Counsels and having perusal of the Memorandum of Settlement in Form-J, supported by the evidences of the P.W.-1 applicant/workman Shri Shiv Shankar Singh, it appears that after their discussion both the parties agreed to have settled their disputes amicably in which the OP/Employer M/s. St. Denis School shall pay Rs. 1,25,000/- by an A/c payee cheque in favour of the applicant/workman Shri Shiv Shankar Singh towards all the service benefits including gratuity etc. and the applicant workman Shri Shiv Shankar Singh has received the amount through the said A/c payee cheque. The applicant/workman Shri Shiv Shankar Singh as examined as P.W.-1 in his evidence also acknowledged the payment of settled amount of Rs. 1,25,000/- through A/c payee cheque bearing No. 074003 dated 19.06.2024 towards his service benefits and gratuity etc. He also submitted the receipt of the same duly identified by the both side Ld. Counsels.

Having considered the facts and circumstances when it appears that the terms and conditions as embodied in the Memorandum of Settlement are valid, legal and satisfactory then the same is accepted, and I find nothing convincing to stand in the way of the prayer of both parties regarding passing of Award in terms of the said Memorandum of amicable settlement of dispute. Let the instant reference be disposed of on consent in terms of the aforesaid Memorandum of amicable settlement of dispute between the parties, filed on 19.06.2024, which do form part of the Award.

Hence, it is,

A W A R D E D

that this case be and the same is disposed of on consent in terms of the aforesaid Memorandum of amicable settlement of dispute, which do form part of this Award.

This is my Award.

Dictated & Corrected by me.

Sd/-
Judge

Sd/-
(Nandan Deb Barman)

Judge

4th Industrial Tribunal

Kolkata

20.08.2024.