

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

বুধবার, জুন ১৬, ১৯৬৯

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

শ্রম ও জনশক্তি মন্ত্রণালয়

শাখা-৯

শ্রমোপন

তারিখ, ২রা আগষ্ট ১৯৬৮ ইং/ ১৮ই শ্রাবণ ১৪০৫ বাং

এস, আর, ও নং-১৬৫-আইন/শ্রম/শা-৯/৩(৪)/৯৭—Industrial Relations Ordinance, 1969 (Ord. No, XXIII of 1969) এর section 37 (2) এর বিধান মোতাবেক সরকার ১ম শ্রম আদালত, চট্টগ্রাম এর নিম্নবর্ণিত মামলাসমূহের রায় ও সিদ্ধান্ত একত্রে প্রকাশ করিল, যথা :—

ক্রমিক নং	মামলার নাম	নম্বর
১	ফৌজদারী মামলা	১৮/৯১
২	ফৌজদারী মামলা	১৭/৯৬
৩	আই, আর, ও মামলা	৭/৯৫
৪	আই, আর, ও মামলা	১৭/৯৫
৫	আই, আর, ও মামলা	৩৬/৯৬
৬	অভিযোগ মামলা	৭৩/৮১

( ৩৩৩১ )

মূল্য : টাকা ১২.০০

১	২	৩
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৮	অভিযোগ নামলা	১৯৯/৯১
৯	অভিযোগ নামলা	৫৯/৯৩]
১০	অভিযোগ নামলা	৬০/৯৩
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১৫	অভিযোগ নামলা	৮৩/৯৬
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৩৭	অভিযোগ নামলা	১৬/৯৭]
৩৮	অভিযোগ নামলা	১৫/৯৭]
৩৯	অভিযোগ নামলা	১৪/৯৭]

রাষ্ট্রপতির আদেশক্রমে,

বীর মোঃ সাখাওয়াত হোসেন

উপ-সচিব (প্রশ্ন)।



IN THE 1ST LABOUR COURT AT CHITTAGONG

Criminal Casenn. 18/91

Joynal Abedin, Polish Mistree,  
Bengal Aluminium Works, Hajee  
Abdul Latif Road, Sholakbahar,  
P.S. Panchlaish, Chittagong.—Complainant.

Verses

Mrs. Nurun Nahar Mamta,  
Proprietor, M/s. Bengal  
Aluminium works, Hajee  
Abdul Latif Road, Sholakhbahar,  
P.O. Chawkbazar, P.S. Panchlaish,  
Chittagong.—Accused.

Order No 66 dt. 4-3-98

The court is duly constituted with the following :

Mr. Md. Abdur Rahman Patwari,—Chairman.  
Mr. Al-haj Nasiruddin Bahadur,—Members.  
Mr. Safar Ali,

The accused Mrs. Nurun Nahar Mamta is present in the court on by filling hazira. The complainant takes no step and is found absent or repeated calls Mr. Armanul Hoque Chowdhury, Advocate submits that his client, complainant Joynal Abedin had died on 08-12-96.

Consulted the Ld. Members. Hence it is,

**ORDERED**

that accused Nurun Nahar Mamta be discharged from the liability of this case.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.

11T IN THE LABOUR AT COURT CHITTAGONG

Criminal Case No. 17/96

Ashima Kanungo,  
C/o, Gopal Das Gupta,  
9, Ram Krishna Mission Road,  
West Ashkar Dighi, Chittagong.—Complainant.

Verses

1. Bimal Krishna Dey Chowdhury, Director.
  2. Kollal Roy Chowdhury, Director.
  3. Apresh Khastagir, Director.
- All of united Chemicals & Pharmaceuticals Ltd.,  
CDA Avenue, East Nasirabad, P.S. Panchlishk,  
Chittagong. Accused Persons.

Order no. 22 dt. 4-3-98

The court is duly constituted with the following :

- Mr. Md. Abdur Rahman Patwari—Chairman.  
Mr. Al-haj Nasiruddin Bahadur,—Members.  
Mr. Safar Ali,

The complainant takes no step. The accused persons are present in the court room by filling hazira. The petition dated 20-1-98 filed by the complainant for dismissing the case for non-prosecution is taken up for hearing and order.

Heard the Ld. Advocatd of both sides. Perused the petition dated 20-01-98 and the case record. In this case the petitioner complainant Ashima Kanungo has stated that she filed this criminal case against the judgement dated 31-07-93. That the company dismissed the complainant by letter dated 29-05-89 and the complainant filled Complaint Case No. 63/98 in this court challenging the order of dismissal. That the learned Court was pleased to set aside the order of dismissal dated 29-05-89 by a judgement dated 31-07-93. That the company filed Writ petition No. 1555/93 before the Hon'ble supreme Court, High Court Division, Dhaka challenging the judgement and order dated 31-07-93 of this court which was summarily dismissed. There after Civil Petition No. 416/93 was filed by the company before the Appellate Division of the Supreme Court of Bangladesh against the decision dated 07-08-93. The Respondent (Complainant) is not willing to raise any objection if the 1st party (petitioner/accused) withdraws Civil Petition No 416/93. That the Complainant filled this Criminal Case No. 17/96 in this court under Section 26 of the EM polymnt of Labuour (Standing Orders) Act, 1965 and the same is still awaiting for trial.

In this present petition the complainant further stated that she expressed her inability to work any more under the company and the accused have paid all dues available to her as a result of wick the complainant has no claim against the accused.

Mr. A.K.M. Mohsenuddin Ahmed Chowdhury, Adcocate on behalf of. the petitiiner complainant Ashima Canungo submits that as she amicably resolved the dispute with the accused persons out of the court and she now does not like to proceed with the case any further the case is required to be dismissed for non-prosecution.

Consulted the Ld. Members.

The prayer is allowed. Hence it is,

**Ordered**

that the criminal case be dismissed for non-prosecution. The accused Bimal Krishna Dey Chowdhury, Kollol Roly Chowdhury and Apprsh Kahastagir be discharged form the liability of the case.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court.,  
Chittagong.



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**IN THE 1ST LABOUR COURT AT CHITTAGONG**
**I. R. O. Case No. 7/95.**

Registrar of Trade Unions,  
Chittagong Division ;;  
Govt. of the Peoples Republic of Bangladesh,  
Jamboree Field, Agrabad, Chittagong. 1st party

**Versus**

The President/General Secretary,  
Zakir Hossain Re-Rolling Mills Sramik Karmachari Union,  
Registration No. Chatta-991, D-14, Shershar Colony,  
Baizid Bostami Road, Nasirabad, Chittagong—2nd Party.

**Present :** Mr. Md. Abdur Rahman Patwari— Chairman.  
Mr. Khondakar Gyasuddin, Members.  
Mr. Tapan Dutta,

**Judgement-Dated, 12-03-98;**

The case of the 1st party, Registrar of Trade Union, Chittagong Division, Chittagong is that the second party Zakir Hossain Re-Rolling Mills Ltd. Sramik Karmachari Union was registered on 24-05-84 They directed the second party to submit papers pertaining to election of the union. But they failed to produce any paper.

The futher case of the 1st party is that another trade union in the name and style pakir Hossain Re-Rolling Mills Ltd. Jatigatabadi Sramik Dal Union" bearing registration no 1778 was registered on 23-01-95 with total strength of 37 members. Thereafter a report was received from the workers of Zakir Hossain Re-Rolling Mills Ltd. that the papers appertaining to second party were fabricated.

It is also the case of the 1st party that they on 30-01-95 wrote to the second party intimating their intention to inspect their trade union on 06-02-95. Subsequently on their arrival on the appointed date of 06-02-95. they found no office bearers and office of the 1st party was also non existent.

Therefore, the registration of the second party was liable to be cancelled.

On registering of the case, the second party was notified. But they did not turn up to contest the case.

**Point for Determination:**

Whether permission needs be accorded to cancell the registration of the second party ?

**Findings and Decision :**

Heard. Perused the papers furnished by the 1st party. Exhibit-2, is a letter dated 02-12-94 signed by a number of workers addressed to the Joint Director of Labour, Chittagong stating that some workers of Zakir Hossian

Re-Rolling Mills showing formation of a committee created some false papers and they were putting disturbance in the Mills areas. They also informed the 1st party the Zakir Hossain Re-Rolling Mills Jatiyatabadhi Sramik Dal Union was co-operating with the authority to boost production in the Mills.

Exhibit-1, is a letter under Memo No. T.U.-18-84-234 dated 30-01-95 issued by the Assistant Director, office of the Joint Director (Labour), Chittagong addressed to the Secretary, Zakir Hossain Re-Rolling Mills Ltd. Sramik Karmachari Union comuni catiang them about purported date of inspection of the office. As such, he requested them to produce the following books before him on the appointed date for inspection :-

- (i) 'D' form showing number of members.
- (ii) Register of members.
- (iii) Notice book.
- (iv) Proceedings book.
- (v) Cash book, and
- (vi) Papers relating to previous election held.

Exhibit-3, is an inspection report submitted on 13-02-95 by the Assistant Director of Labour. In this respect, he has stated that he did not find any members of the second party union during his inspection. He found the office of the said union as non existent. He obtained a certificate from the Mills Authority and in this certificate they have mentioned that the total number of workers employed in their Mills are 40. He has further stated that he examined all of them and they told him that they are members of Zakir. Hossain Re-Rolling Mills Ltd. Jatiyatabadhi Sramik Union (a newly floated trade union). The Assistant Director of Labour concluded in his reports Exhibit-3 that the second party is now defunct as it has no member and office.

The second party did not appear to challenge the contents of this report in any manner. Therefore, the allegation of the 1st party prima facie stand proved.

The views of the Ld. Members considered.

Hence it is,

#### Ordered

that the 1st party be permitted to cancel the registration of Zakir Hossain Re-Rolling Mills Ltd. Sramik Karmachari Union (Registration No. Chatta-991).

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.;



IN THE 1ST LABOUR COURT AT CHITTAGONG

I.R.O. Case No. 17/95

Registrar of Trade Unions,  
Government of the People's Republic of Bangladesh,  
Chittagong Division, Chittagong.—1st party.

*Versus.*

President/General Secretary,  
Haji Textile Mills Sramik Union,  
Regd. No. Chatta-1168, 51, Kalurghat H/I/A,  
P.O. Mohra, Kalurghat, Chittagong.—2nd party.

<b>Present :</b> Mr. Md. Abdur Rahman Parwari,	Chairman.
Mr. Al-Haj Nasiruddin Bahadur,	
Mr. Tapan Dutta,	Members.

Judgement-Dated, 22-03-98.

The case of 1st party, Registrar of Trade Union, Chittagong Division, Chittagong is that at present the second party, Haji Textile Mills Sramik Union (Registration No. Chittagong-1168) got no existence. It did not submit annual return of income and expenditure for the year, 1986 to 1994. It did not hold election of the executive committee since inception.

After the case was registered, notice was issued upon the second party to ascertain whether they were keen to contest. But they did not enter appearance.

**Point for determination :-**

Whether 1st party deserve permission for cancellation of the registration of the second party ?

**Findings and decision :-**

Heard. Perused the case petition and the papers filed by the 1st party Exhibit-1 is a notice dated 1-7-94 issued by the 1st party upon the second party asking them to explain the reason for non filing of annual returns of income and expenditure of the union. Exhibit-2 is an enquiry report dated 7-6-88 prepared by Md. Ashrafur Haque, Labour Officer, office of the Joint Director of Labour, Chittagong Division, Chittagong It reveals that the second party showed no cause for failure to file annual returns in response to Exhibit-1.

The enquiry officer has stated in his report dated 7-6-88 Exhibit-2 that he went to the locality and found no office of the second party. He also found no member of the second party union there. On query from the local people, he came to learn that Haji Textile mills, Kalurghat, Chittagong was declared laid off by the authority on 23-6-86 and since then the workers left the Mills area in quest of their livelihood elsewhere. He further came to learn that the workers who were in the employment of Haji Textile Mills are no longer in service of the said Mills. He, therefore, recommended for institution of a

I.R. O. case seeking permission for cancellation of the registration of the second party union. As per report of process serving peon of this court, he also did not find existent of the office of the second party and no body was able to give him the whereabouts of its office bearers.

Under the facts and circumstances, we may come to the conclusion that the allegation of the 1st party proved satisfactorily.

The views of the Ld. Member duly considered. Hence it is,

### Ordered

that the case be allowed *ex parte* against the second party without cost. The 1st party, Registrar of Trade Union, Chittagong Division, Chittagong be permitted to cancel the registration of second party Haji Textile Mill Sramik Union (Registration No. Chittagong-1168) as sought for.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.

## IN THE 1ST LABOUR COURT AT CHITTAGONG

I. R. O. Case No. 36/96. ]

Registrar of Trade Unions,  
Govt. of the People's Republic of Bangladesh,  
Chittagong Division, Chittagong.—1st party.

### Versus

President/General Secretary,  
Chittagong Mohanagar Auto Tempo Malik Samity,  
Regd. No. Chatta-1446, 377, Darul Ulum Alia Madrasha Sarak,  
Chandanpura, Gani Bakery, Chittagong.—2nd party.

Present : Mr. Md. Abdur Rahman Patwari,—Chairman.;  
Mr. A. T. M. Nurul Alam, }  
Mr. Safar Ali, }—Members.

Judgement-Dated, 25-03-98.

The case of the 1st party, Registrar of Trade Union, Chittagong Division Chittagong is that the second party did not submit annual return of income expenditure for the year 1990 to 1995. Beside the second party did not hold election of the executive committee since granting of registration.

Therefore, the 1st party instituted the case seeking permission for cancellation of registration of the second party.



### Point for determination

Whether the 1st party deserves permission for cancellation of the registration of the second party ?

### Findings and decision s

Heard. Pursued the case petition and the record. Exhibit-1 is a notice dated 20-70-91 issued by the 1st party upon the second party for showing cause within 10 days as to why their registration would not be cancelled for failure to submit annual returns. The Ld. Representative submits that notice, Exhibit-1 was unserved as whereabouts of the second party was not traceable, on recipr of the original petition of this can from party, it reveals that the case having been registered the process serving peon the 1st was deputed to the address of the second party for serving notice to ascertain contest and he submitted a report on 10-9-96. In this report, he has stated that he found no office of the second party. On query he came to learn from the local people that the second party union was non existant since long.

The Ld. Representative states that as the second party union is not in existence their registration is liable to be cancelled.

On consideration of the facts and circumstances as well as the report, it leads us to believe that the second party union meamwhile ceased ot exist. In such a situation, the case of tje 1st party prime facie proved.

The views of the Ld. Members duly considered.

Hence it is,

### Ordered

that the I. R. O. Case No. 36/96 be allowed exparte against the second party without cost. The 1st party is hereby permitted to cancel registration of the second party (Registration No. Chittagong-1446) as sought for.

Md. Abdur Rahman Patwari  
Chairman, 1st Labour Court,  
Chittagong.

### IN THE 1ST LABOUR COURT AT CHITTAGONG

Complaint Case No. 73/81

Ahsan Ullah,  
Ex-Asstt. Accounts Officer (P. R.),  
C/o., Md. Mafizur Rahman,  
Vill. Jhikadds, P. O. Gunabati,  
Comilla.—1st party.

Vs.

Manager,  
Victory Jute Products Ltd.,  
P. O. & Vill. North Kattali,  
Chittagong.—2nd party.

Order no. 188 dt. 4-3-98.

The court is duly constituted with the following :

Mr. Md. Abdur Rahaman Patwari,	}	—Chairman.
Mr. Al-haj Nasiruddin Bahadur,		Members.
Mr. Safar Ali,		

The 2nd party files hazira and ready for hearing. The 1st party takes no step and is found absent on repeated calls.

Consulted the Ld. Members.

Hence it is,

**Ordered**

that the case be dismissed for default.

**Md. Abdur Rahman Patwari.**  
Chairman, 1st Labour Court,  
Chittagong.

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### IN THE IST LABOUR COURT AT CHITTAGONG

Complaint Case No. 18/91

Md. Ibrahim, Net Mender,  
S/o. Faichar Ahmed,  
C/o., Alamgir Surma Baraf Khal,  
60, Avaimitraghat, Firingee Bazar,  
Chittagong.—1st party.

The Manager,  
Bangladesh Fisheries Development Corporation,  
Fish Net Factory, Fsh Harbour,  
Chittagong.—2nd party.

Order no. 44 dt. 19-3-98.

The court is duly constituted with the following :

Mr. Md. Abdur Rahman Patwari,	}	—Chairman.
Mr. A. T. M. Nurul Alam,		—Members.
Mr. Safar Ali,		



The 2nd party files hazira and ready for hearing. The 1st party takes no step and is found absent on repeated calls.

Heard. Mr. A. K. M. Mohsinuddin Ahmed Chowdhury, Advocate who represents the 1st party. He submits that he will not take step on behalf of the 1st party.

The views of the Ld. Members duly considered. Hence it is,

**Ordered**

that Complaint Case No. 18/91 be dismissed for default.

**Md. Abdur Rahman Patwari,**  
Chairman, 1st Labour Court,  
Chittagong.

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**IN THE 1ST LABOUR COURT AT CHITTAGONG**

**Complaint Case No. 199/91**

Osior Rahman,  
S/o. Late Anu Mia,  
30, Kazir Dewri 2nd Lane,  
Chittagong.—1st party.

*Versus*

Sectary,  
Chittagong Club Ltd.,  
Chittagong.—2nd party.

**Present :** Mr. Md. Abdur Rahman Patwari,—Chairman.;  
Mr. Khondakar Giasuddin, } Members  
Mr. Safar Ali, }

Mr. A.B. Poddar, Advocate for 1st party.

Mr. Subash Chandra Lala, Advocate for 2nd party.

**Judgement—Dated, 11-03-98.**

The case of the 1st party, Osior Rahman is that he was working under the 2nd party with goodwill and efficiency for long and lastly he was acting as Supervisor. That on the night following 26-01-91 suddenly he became sick and was feeling pain in the chest and g.ill blader. That he informed the officer of the 2nd party about his illness and contacted with them for payment of his arrear salary for the month of December, 1990 and January, 1991, He also maintained communication with the 2nd party by posting a registered letter with A.D. on 20-03-91 which was received by the 2nd party on 21-03-91.



The further case of the 1st party is that the 2nd party on 14-11-91 issued notice in the "Daily paurbakone" asking him to report for duty and he reported to join his duty on 16-11-91. But he was not allowed to resume his duty. That the 2nd party dismissed him illegally by a letter dated 09-10-91. That no letter of charge and no enquiry was held and that he was not given any opportunity of defence.. That the alleged order of dismissal was illegal, null and void and against the principle of natural justice.

It is also the case of the 1st party that he on receipt of the said letter of dismissal of 9 th October, 1991, on 20-10-91 sent a grievance petition on 27-10-91. under registered post with A.D. to the 2nd party to reconsider the fabricated order of dismissal which was liable to be set aside.

So the 1st party instituted the case to reinstate him in the service with back wages.

2nd party entered appearance and filed a written statement to contest the case. 2nd party in the written statement denied the allegations made by the 1st party. It is specifically stated by the 2nd party that the 1st party was working under the 2nd party as Bar- Supervisor and he was also in-charge of cash and while the 1st party was holding cash of the Bar Section as its Supervisor, he misappropriated good amount of cash. That when the fact of misappropriation came to the knowledge of the 2nd party, the 2nd party transferred one Pranab Kanti Chowdhury, Reception Officer as Additional Bar Supervisor and the 1st party was asked to hand over charge of the Bar including the cash under letter dated 14-11-90 That the 1st party was transferred from Bar to Club Secretariate as per letter dated 12-11-91 and after verification, a cash shortfall of Tk. 1,12,690 was detected. The 1st party was issued with letter dated 26-10-91 for adjustment of the said shortfall. But the 1st party left the office on 26-01-91 without receiving the letter and since then he has been absconding. That the 2nd party sent said letter dated 26-01-91 by registered post to the 1st party at his own town address. That the 1st party purposely refused to accept the said letter which has come back with postal remark "refused dated 31-01-91"

The further definite case of the 1st party is that the 2nd party thereafter issued a letter of charge under memo no. CCL/PF-6/91 dated 06-03-91 with order of suspension and the said letter was sent to the 1st party by registered post which was also returned with postal remark "refused", Subsequently the matter was enquired into by Mr. A.G. Khan Chowdhury, Manager (Finance & Administration ) who found him guilty of the offence. That the 2nd party then again asked the 1st party to report to duty within three days vide paper publication dated 14-05-91. The 1st party by letter dated 16-05-91 prayed for repayment of the misappropriation money by monthly instalment and further prayed for resumption to duty. That the 2nd party asked him to pay at least 50% of misappropriated sum of Money to consider his prayer. But although he received the letter of dated 25 th may, 1991, on 27-05-91 did not make any payment whatsoever. The 1st party also committed to pay back the misappropriated money under his letter dated 09-05-91. In spite of it, he did not pay even a single penny. Thereafter the 2nd party wrote letter to the 1st party on 14-07-91 but to no effect.

It is also the definite case of the 2nd party that the 1st party was given all opportunity on the matter of charge brought against him and he admitted to have misappropriated the same by monthly instalments. That the 2nd party



finding no alternative dismissed the 1st party from service by letter dated 09-10-91. That the 1st party having committed gross dishonesty and breach of trust by misappropriating Tk. 1,12,690 is not entitled to get any relief.

Under the facts and circumstances, the 2nd party prays for dismissal of the case.

### POINTS FOR DETERMINATION ARE

- Whether the 1st party is a worker or not ?
- Whether the dismissal order was illegal ?
- Whether enquiry, if any, was held as per law ?

### FINDINGS AND DECISION :-

All these points are taken up together for convenience of discussions. The 1st party prayed for reinstatement in the service with back wages. His allegation is that on the night following 06-01-91 suddenly he became ill and was feeling pain in the chest and on the gall bladder. He informed the officers of the second party about his illness and contacted with them for payment of his arrear salary for the month of December, 1990 and January, 1991. He also wanted to join his duty. But the second party without allowing him to resume his duty illegally dismissed him from service.

On the contrary the second party submits that the 1st party was a Bar Supervisor and as he is not worker the case brought by him is not maintainable. The second party has stated in the written statement that the 1st party was holding case of the bar section. There is no mention in the written statement as to who used to accept cash in the counter as sale proceeds of soft-drinks etc. of the Bar. In the absence of any such averment, it may be presumed that the 1st party also used to discharge the function of a cashier. In 31. D.L.R. at page 301, it was held that what is made in determining whether a person is a worker or not is to see the main nature of job done by him and not much of his designation. In the instant case by whatever designation the 1st party might have been addressed we find that his job was in the nature of a cashier and as such the 1st party although was purportedly a Supervisor in designation, but he cannot be excluded from being a worker to claim the relief in the manner as sought for in this case.

In Sub-section 1 of Section 18 of the Employment of Labour (Standing Orders) Act, 1965, it has been laid down that no order for discharge or dismissal of a worker shall be made unless, (a) allegation are recorded against him, (b) he is given a copy thereof, (c) he is given a personal hearing if such a prayer is made and, (d) the employer or the manager approves of such order.

In Sub-section 5 of Section 18 of the Employment of Labor (Standing Orders) Act, 1965, it has been mentioned that if a worker refuses to accept any notice, letter, charge sheet, order or any other document addressed to him by the employer it shall be deemed that such notice, letter, charge sheet, order or the document has been served to him if a copy of the same has been exhibited on a notice board and another copy has been sent to the permanent address of the worker as available from the record of the employer by registered post.



In the instant case the case of the second party is that the 1st party was allegedly absconding and letter was issued in his town address and notice was published in the daily "Purbokone" directing him to resume his duties. But as he did not report to duty he was dismissed from service after observing necessary formalities. But it does not transpire that the allegation brought against the 1st party were recorded in writing and it also does not reveal that due to alleged refusal to accept the letter sent to his address the same once again were sent to his permanent address under registered post and copies were exhibited on the notice board. Similar the position of the alleged charge sheet. So it can not be said that the alleged charge sheet was served upon the 1st party as per procedure. In the charge sheet as many as five charges were brought against the 1st party. On the other hand, in the dismissal letter dated 09-10-91 no reference was made about any charge and nothing was noted about proof of any charge, although it is a fact that a dismissal order is independent of charge sheet. In the dismissal letter, it does not disclose that the same is an out come of disciplinary proceeding. As a matter of fact no enquiry was held to determine the nature of offence purported in the conduct of the 1st party. On the reverse it is found that an investigation was conducted and a report thereof was submitted. It is obvious that investigation and enquiry are not the same thing. From the dismissal order dated 09-10-91, it appears that the same was given effect from 27-01-91 (from the date of absenting from duty). But in 19 D.L.R. at page 449 it has been held that dismissal can not be ordered with retrospective effect and ante dating the order of dismissal is illegal.

It is found from the papers of the second party, that Mr. A.G. Khan Chowdhury, Manager (Finance & Administration) in his investigation report mentioned that the 1st party Osior Rahman misappropriated Tk. 1,50,740 while in the written statement the amount of alleged misappropriation was shown as Tk. 1,12,690 and that in the charge sheet dated 06-03-91, the amount was Tk. 1,17,892. As a result the figures are not in conformity with one another. The second party has stated in the written statement that the 1st party admitted misappropriation and he prayed for payment of the amount by instalment from monthly salary. So it was his admission in the commission of the offence. Strangely we come across from the letter dated 09-05-91 written to the Chairman, Chittagong Club Ltd. by the 1st party seeking permission to join his duty he has stated that his father and two elder brothers were in the service of the club in the past. Besides, he put in thirty years service for this club. That he was ill and as he was not aware of the exact amount he owed to the club and if the actual amount is ascertained he was prepared to pay the same by instalments. From this letter dated 09-05-91, it does not appear that the 1st party clearly admitted any misappropriation of money and of course his letter was conditional one which speak that he got no criminal intention.

We have already noticed that no enquiry was held before passing the disputed dismissal dated 09-10-91 and that an investigation of accounts is not an enquiry as to commission of an offence. Moreover, the notice of show cause and alleged charge sheet were not duly served upon the 1st party as per law as already discussed. The order of dismissal was given retrospective effect as pointed out earlier which was illegal. In this context, the decision reported in 22 D.L.R. at page 713 may be referred to, wherein, it was decided by the Hon'ble High Court Division of Bangladesh Supreme Court that dismissal order without notice of show cause, the only remedy is reinstatement in service.



Considering the pros and cons, we are constrained to dispose of the points as aforesaid.

In the facts and circumstances, the disputed dismissal order dated 09-10-91 is liable to be set aside and the 1st party is entitled to reinstatement in service but at best with 30% of his back wages.

The Ld. Members views in this regard duly considered.

Hence it is,

**ORDERED**

That the Complaint Case No. 199/91 be allowed on contest againsts the second party without cost. The dismissal order dated 09-10-91 be set aside. The second party is directed to reinstate the 1st party in his former post and position with 30% (thirty per cent) back wages withis 45 (forty five) days from this date.

(Md. Abdur Rahman Patwari),  
Chairman, 1st Labour Court,  
Chittagong. ;

**IN THE 1ST LABOUR COURT AT CHITTAGONG**

Complaint Case No. 59/93

Md. Shahajahan,  
C/O. Motaleb Sowdagar's Tea Shop,  
Amin Jute Mills Sramik Colony,  
P. O. Amin Jute Mills, Sholashahar, Chittagong— 1st party.

*Versus*

General Manager,  
Amin Jute Mills Ltd.,  
P. O. Amin Jute Mills,  
Sholashahar, Chittagong—2nd party.

Present : Mr. Md. Abdur Rahman Patwari,—Chairman.  
Mr. Al-haj Nasiruddin Bahadur, } Members.  
Mr. Tapan Datta—

Mr. Armanul Hoque Chaudhury, Advocate for 1st party.  
Mr. A. K. M. Mohasanuddin Ahmed Chowdhury, Advocate  
for 2nd party.

Judgement-Dated, 23-3-98

The case of Md. Shahjahan, 1st party is that he was a permanent woker of Amin Jute Mills Ltd. under the 2nd party bearing Token No. 3798 of Mill No. 1. That he was granted medical leave for four days with effect from



22-6-93 to 26-6-93. But he could not resume his duty on 26-6-93 after expiring of his leave, as his illness prolonged and for that he got his medical leave extended upto 3-7-93. That in the meantime his illness having not been cured he applied for extension of his leave for further on account of his illness.

That after having been cured from illness, the 1st party reported for duty in the Mills on 17-7-93 together with the fitness certificate of the Deputy Chief Medical Officer of the mills. That at this, the Deputy Manager (Labour and Welfare) of the Mills issued him duty slip on 17-7-93 allonghim to resume duty from 18-7-93 and he was also warned for remaining absent on medical ground.

That while he went to resume his duty in his department on 18-7-93 with the said duty slip, he was not allowed to resume duty by his Departmental Head illegally without assigning any reason. Thereafter he had been reporting for duty daily but he was not allowed to resume duty by him illegally for long more than 8 days and his attendance also not being recorded at all in the Department. At this he submitted an application to the second party on 27-7-93 stating the aforesaid facts and also requested him to take necessary action to enable him to resume his duty.

That the said application of the 1st party dated 27-7-93 received in the office of the second party on 27-7-93 and thereafter although the 1st party had been appearing in the office of the second party to know about the fate of his said application dated 27-7-93 but he failed to know anything about the same. In this way, the second party kept him without duty for about one and half months, even without disposing the said application dated 27-7-93.

That on 4-9-93, while the 1st party went to the office of the 2nd party to know the decision of the 2nd party with regard to his application dated 27-7-93, he was handed over a back dated letter dated 27-7-93 bearing the signature of Deputy Manager (Labour and Manpower, whereby he was informed that he has lost his lien to his appointment under Section 5(3) of the Employment of labour (Standing Orders) Act, 1965 with effect from 26-6-93 for remaining absent for more than ten days with effect from 26-6-93 after expiry of his leave originally granted to him from 22-6-93 to 25-6-93.

That the 1st party on receipt of the said back dated letter of the Deputy Manager (Labour and Welfare) on 4-9-93 and having been aggrieved very very much with the said illegal action taken against him by removing him from his permanent employment with retrospective from 26-6-93 on the false plea of remaining absent from duty on medical ground without either extending the same or any information to the second party he submitted a grievance petition to the second party by registered post on 16-9-93 as required under Section 25(1)(a) of the said Act stating *inter alia* that the said action taken against him under Section 5(3) of the Act removing him from his permanent employment is not only illegal, arbitrary, malafide and motivated but the same is also against the principle of natural justice and as such it has no legal effect. That removing the 1st party from his permanent employment under Section 5(3) of the Employment of Labour (Standing Orders) Act, 1965 ignoring the provision of law that loss of his lien to his appointment can not be automatic without allowing him an opportunity of defence and he requested the 2nd party to withdraw the said impugned back dated order dated 12-7-93 and to reinstate him in his former post and position with all back wages and other attending benefits.



That the said grievance petition of the 1st party dated 16-9-93 posted to the second party by registered post from Amin Jute Mills post office, received by the second party on the same day on 16-9-93 and thereafter the second party having not dealt with the same as required under Section 25(1)(A) of the Employment of Labour (Standing Orders) Act, 1965, he has been compelled to file this case for relief as per law including reinstatement in service.

The second party filed a written statement wherein the second party has stated that the case is hopelessly barred by limitation and that the 1st party having lost lien to employment, there remain no cause of section for filing of the case. The second party save and except the averments specifically admitted, denied all other allegations straight way.

The definite case of the second party is that the 1st party went on medical leave with effect from 22-6-93 to 26-6-93 for four days. He was due to resume his duty on 26-6-93, but he did neither report for duty nor extended leave nor he returned within ten days from the expiry of his leave nor he explained the reason of his inability to return earlier to the satisfaction of the employer which compelled the second party to take action against him under Section 5(3) of the Employment of Labour (Standing Orders) Act, 1965. Thereafter the second party in consideration of the fact and his past record of service, issued him a letter on 12-7-93 severing his lien to employment to his available home address. That inspite of receipt of the notice, he did not turn up. That the allegation of the 1st party that he was handed over a copy of the order of dated 12th of July, 1993 on 4-9-93 was not true.

Therefore, the second party prayed for dismissal of the case with cost.

#### Points for determination are :

1. Whether the case is maintainable ?
2. Whether the case is barred by limitation ?
3. Whether the disputed order dated 12-7-93 is sustainable ?

#### Findings and decisions :

##### Point No. 2 :

The second party has stated in paragraph 2 of the written statement that the case is barred by limitation. The Ld. Advocate on behalf of the second party states that the 1st party lost his lien to his appointment vide letter dated 12-7-93, Exhibit-1 whereas he sent a grievance petition on 16-9-93, Exhibit-4, which is not within 15 days from the loss of his lien to employment. He further states that letter dated 12-7-93

Exhibit-1 was sent to the 1st party in his home address and that by suppressing that fact he managed a copy of the letter dated 12-7-93, Exhibit-1, on 4-9-93 and lodged a grievance petition showing filing of the same within 15 days as required under Section 25 of the Employment of Labour (Standing Orders) Act, 1965.

On the other hand, the contention of the 1st party is that no intimation about loss of lien to his appointment was sent to his home address and that he is a resident in the vicinity of Amin Jute Mills and that when he went to the



office of the second party to know the decision with regard to his application) dated 27-7-93. Exhibit-2, he was handed over a back dated letter dated 12-7-93 Exhibit-1 bearing the signature of Deputy Manager (Labour and Welfare). The second party did not adduce any documentary evidence to show that actually Exhibit-2 was typed and signed on 12-7-93 and it was duly posted with proof of posting and properly reached at the hand of the 1st party in his home address.

Section 25 of the Employment of Labour (Standing Orders) Act, 1965 emphasises that any individual worker (including a person who has been dismissed, discharged, retrenched, laid off or otherwise removed from employment who has a grievance in respect of any matter covered under this Act and intends to seek redress thereof shall submit his grievance to his employer in writing by registered post within fifteen days of the occurrence of the cause of such grievance.

We have already mentioned that the second party could not show by adducing documentary evidence that the 1st party received the letter dated 12-7-93 Exhibit-1 prior to 4-9-93 as he asserts. So if the contention of the 1st party is taken to be true, the case is not barred by limitation and that in the circumstances there is no reasonable ground to disbelieve him.

The point no.-2 is answered in the negative.

#### Point No. 1

In paragraph-1, of the written statement, the second party has stated that the case is not maintainable while in paragraph-3 it has been stated that the 1st party having lost lien to his appointment, there remain no cause of action for filing of the case. In submission, the Ld. Advocate on behalf of the second party has stated that the 1st party ought to institute the case under Section 34 of I. R. O., 1969 instead of Section 25(1)(B) of Employment of Labour (Standing Orders) Act, 1965.

Section 34 of I. R. O., 1969 lays down that any employer or workman may apply to the Labour Court for the enforcement of any right guaranteed for secured to him. On the reverse, Section 25(1) read with Section 25(1)(A) and Section 25(1)(B) of the Employment of Labour (Standing Orders) Act, 1965 are as under:

Section-25(1) Any individual worker (including a person who has been dismissed, discharged, retrenched, laid off or otherwise removed from employment) who has a grievance.

Section-25(1)(A) The worker concerned shall submit his grievance to his employer in writing

Section-25(1)(B) If the employer fails to give a decision under clause(A) or if the worker is dissatisfied with such decision, he may make a complaint to the Labour Court having jurisdiction.

In the instant case, the 1st party lost his lien to appointment and he submitted his grievance to his employer Exhibit-4. Thereafter he instituted the present case under Section 25(1)(B) of the Employment of Labour (Standing



Orders) Act, 1965. So the case seems to be maintainable. The case apparently has cause of action as well as the 1st party manifestly was affected due to loss of lien to appointment.

The point is disposed of in the affirmative.

### Point No. 3

The 1st party submits that he was a permanent worker of Amin Jute Mills Ltd. under the second party having Token no. 3738 in Mill No. 1 and he was appointed as Weaver of Weaving Section with effect from 24-5-82. That he was granted medical leave for four days with effect from 22-6-93 to 25-6-93. But he could not resume his duty on 26-6-93 after expiry of his leave as his illness prolonged and for that he got his medical leave extended upto 3-7-93. In the meantime his illness having not been cured he applied for extension of his leave further on account of his illness and that after having been cured from long illness, he reported for duty in the Mills on 17-7-93 together with the fitness certificate of the Deputy Chief Medical Officer of the Mills. The Deputy Manager (Labour and Welfare) of the Mills issued him duty Slip on 17-7-93 allowing him to resume duty from 18-3-93 and he was warned for remaining absent vide Exhibit-3. On the contrary, the second party issued letter Exhibit-1 stating that he lost his lien to appointment.

The second party emphatically contends that as the 1st party was on unauthorised leave for more than ten days, he lost lien to his appointment in terms of Section 5(3) of the Employment of Labour (Standing Orders) Act, 1965.

In the instant case, the 1st party claims that his leave was regularised and that Deputy Manager (Labour and Welfare) after writing issued duty slip, Exhibit-3. The 1st party argues that had his leave not been regularised, Deputy Manager (Labour and Welfare) would not have issued duty slip, Exhibit-3. The second party did not specifically challenge about genuineness of the said duty slip, Exhibit-3 in the written statement.

Next the 1st party submit that he was a permanent worker and his lien to appointment was cancelled without asking him to show cause. Sub-section 3 of Section-5 of the Employment of Labour (Standing Orders) Act, 1965 says that if the workers remain absent beyond the period of leave originally granted or subsequently extended, he shall be liable to loss his lien to his appointment unless he returns within ten days of the expiry of his leave and explains to the satisfaction of the employer his inability to return earlier.

In the second provision of the said section, it has been laid down that if such a worker fails to explain to the satisfaction of the employer the reason of his failure to return at the expiry of leave, the employe may, on consideration of extenuating circumstances, if any, punishment, for a period not exceeding seven days from the date of his return and the worker shall not be entitled to wages for such period of unauthorised absence and of suspension, but he shall not lose the lien to his appointment.

In the present case, the 1st party submitted an application dated 27-7-93 Exhibit-2, soumoto explaining his delay in reporting for duty after expiry of the period of leave originally granted in his favour. But the second party gave no reply and the said application Exhibit-2 was pending. Besides, he



was not directed to show cause prior to issuance of the impugned letter dated 12-7-93 Exhibit-1 as to why appropriate action would not be taken against him for alleged unauthorised absence from duty for more than ten days.

The Ld. Advocate appearing on behalf of the second party quoting sub-section-3 of Section of the Employment of Labour (Standing Orders) Act, 1965 argues that there is no provision to issue show cause notice in the case of unauthorised absence for more than ten days by the delinquent worker and as such no show cause notice was issued upon the 1st party.

It is an admitted fact that the 1st party was a permanent worker under the second party. The Authority was contemplating to cancel lien to his appointment due to his misconduct. It amounts to inflicting of punishment and it is the principle of natural justice that no body should be awarded punishment unheard.

In 31 DLR (AD) at page 120, their Lordship analysing the spirit of Section 17 and 13 of the Employment of Labour (Standing Orders) Act, 1965 observed that absence without leave for more than ten days does not lead to automatic termination of service. Their Lordship further observed that clause (d) of sub-section (3) of Section-17 of the Act provides that absence without leave for more than ten days is a kind of misconduct and a worker may be dismissed or otherwise dealt with under sub-section (1) and (2) of Section -13 of the Act. If absence without leave for more than ten days is a misconduct, a proceeding is to be drawn up for dismissal or for other kind of punishment for such absence. It does not stand to reason that if there is such absence after leave has once been taken, there shall be automatic termination of service and no opportunity should be given to explain his inability to return to join his service after the expiry of the leave.

On a plain reading of the ruling as reported in 31 DLR (AD) at page 120, it is clear that before taking any action in the form of punishment against a worker under Section 5 of the Employment of Labour (Standing Orders) Act, 1965 he does not automatically lose his lien to his appointment of his failure to return within ten days of the expiry of his leave and that he must be given an opportunity for defence. But in the present case no such opportunity was afforded to the 1st party.

Therefore, in our views the impugned order purported to have been issued on 12-7-93, Exhibit-1 in respect of the 1st party is not sustainable. In the facts and circumstances, the 1st party is entitled to re-instatement in his former post and position. But as the second party could not utilise his service while he was cut of employment, he can not claim wages for this period.

The point is replied in the negative.

The views of the Ld. Members duly considered.

Hence it is,



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**Ordered**

that the Complaint Case No. 59/193 be allowed on contest against the second party without any order as to cost. The second party is directed to reinstate the 1st party to his former post and position within 30 (thirty) days from the date of this order. The 1st party will not be entitled to claim wages for the period he was out of employment in the Mills of the second party.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.

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**IN THE 1ST LABOUR COURT AT CHITTAGONG**

**Complaint Case No. .0/93**

Md. Yasin,  
C/o. Ayub Ali Sowdagar Pan Dokan,  
Amin Jute Mills South Gate,  
P. O. Amin Jute Mills, Sholashahar, Chittagong—1st party.

*Versus*

General Manager  
Amin Jute Mills Ltd.,  
P O. Amin Jute Mills  
Sholashahar, Chittagong 2nd—party.

**Present ;** Mr. Md Abdur Rahman Patwari,                      Chairman.  
                  Mr. A.T.M. Nurul Alam,                                      }                      Members.  
                  Mr. Safar Ali,    }

Mr. Armanul Hoque Chowdhury, Advocate for 1st party.

Mr. A.K.M. Mohsinuddin Ahmed Chowdhury, Advocate for 2nd party.

Judgement, Dated, 30-03-98.

The case of 1st party Md. Yasin is that he was a permanent worker of Amin Jute Mills Ltd. bearing Token No. 10544 of Mill No. 2 appointed as Pre-Beamer of Beaming Department with effect from 29-1-73. That the Deputy Manager (Labour and Welfare) of the second party issued a letter of charge to the 1st party on 21-8-93 alleging that on 19-8-93 he left the duty at 7.20 P.M. during half of the 'B' Shift and he did not turn up to his duty upto 08.21 P.M. which amounts to negligence of duty and to cause loss to the production and as such he was directed to explain within seven days from the receipt of the letter as to why disciplinary action should not be taken against him.

That the 1st party on receipt of the said letter of charge, submitted an explanation to the Deputy Manager stating that he was very much sorry for bringing such a charge against him and he requested the Deputy Manager to dispose of the matter sympathetically. That, thereafter, the Manager



(Administration) by a letter dated 25-8-93 informed the 21st party that an inquiry would be held in the Labour Office of the Mills on 29-8-93 and as such, he was directed to attend the said inquiry. That the 1st party on receipt of the letter of inquiry, attended the same on the said date whereing he was interrogated at length by the inquiry officer, his statement were recorded and his signatures were obtained therein. That the inquiry not being properly conducted by the inquiry officer, it was perversed and perfunctory. That thereafter, the 1st party was illegally dismissed by the second party by a letter dated 8-9-93 alleging that the charge brought against him was proved in the inquiry.

The further case of the 1st party is that he on receipt of the order of dismissal and having been aggrieved with the same submitted a grievance petition to the second party by registered post on 19-9-93 stating *inter alia* that the order of dismissal dated 8-9-93 was illegal, arbitrary, malafide, motivated and violative of the provisions of Section 18(6) of the Employment of Labour (Standing Orders) Act, 1965 and was also against the principle of natural justice and further the charge brought against him did not constitute any misconduct within the mischief of Section 17(3) of the said Act and as such the dismissal has no legal effect and is liable to be set aside. Therefore, he requested the second party to withdraw the said impugned order of dismissal and to reinstate him in his former post and position.

It is also the case of the 1st party that the second party duly received the said grievance petition of the 1st party but did not deal with the same as required under Section 25(1)(A) of the said Act, the 1st party was compelled to file this case with a prayer to reinstate him in his former post and position with all back wages and other attending benefits after setting aside the impugned order of dismissal dated 8-9-93.

The second party filed a written statement denying all the material allegations. The definite case of the second party is that on the basis of specific allegations the 1st party was charge sheeted on 21-8-93. He was in the habit of committing similar offence in the past. As a result of commission of such offence, the management had to incur loss for which he was warned for a number of times. On receipt of the letter of charge, the 1st party submitted a representation, regretting for the offence and for disposal of the matter but as the matter was grave and as he could not mend his character inspite of repeated warnings, so the second party conducted an inquiry into the allegations.

The further case of the second party is that the 1st party received the notice of inquiry and attended the same. The inquiry was according to law and his statement was duly recorded. After completion of inquiry, the committee submitted a report finding the 1st party guilty of the allegations brought against him. The second party considered the inquiry report and the past record of service of the 1st party. The past record reveals that he was warned on 26-4-75, against warned on 25-8-75 along with punishment, again on 24-11-75 along with punishment. He was warned on 23-10-76, on 23-3-76, and on 30-3-76 along with punishment. He was warned on 30-12-77 and on 17-4-78 with punishment. He was warned on 29-3-79 and also on 17-4-93.

It is also the case of the second party that the record of the 1st party shows that there was no change of improvement of his conduct. In consideration of all these facts as well as causing loss of production to the Mill, the second party dismissed him vide letter dated 8-9-93 as per procedure.



The second party prays that the case of the 1st party is liable to be dismissed with cost.

Points for determinations are :-

1. Was the 1st party a worker in the second party, Establishment ?
2. Is the 1st party entitled to get relief as prayed for ?

Findings and decision

Both the points are taken up together for discussions, for the sake of convenience.

The 1st party asserted in the original petition that he was a permanent worker under the second party bearing Token No. 10544 in Mill No. 2, having been appointed as Pre-Beamer of Beaming Department with effect from 29-1-73. The second party with regard to this claim stated in paragraph 2 of the written statement that the nature of employment, designation and token number of the 1st party being matter of record need no comment. The second party in the course of hearing also did not dispute about the 1st party's previous status and position. So it may be guessed that the 1st party was a permanent worker under the second party and this fact is not denied by the second party at any stage.

Let us pass on to consider whether the 1st party is entitled to get the relief sought for.

No oral evidence was adduced by either side. Documents filed by the parties were duly made as exhibits for the respective parties. Exhibit-1 for the 1st party is a charge sheet issued to the 1st party on 21-8-93 by the second party. Exhibit-2 is a reply of charge sheet to the second party by the 1st party. Exhibit-3 is an Enquiry Notice dated 25-8-93. Exhibit-4 is a dismissal letter dated 8-9-93. Exhibit-5 is a grievance petition dated 19-9-93.

On the other hand, Exhibit-A memo dated 21-8-93 is a complaint while Exhibit-B is a charge sheet. Exhibit-C is an explanation dated 22-8-93 submitted to the second party by the 1st party. Exhibit-D is a notice of enquiry dated 25-9-93. Exhibit-E is an enquiry report with proceedings. Exhibit-F is a letter of dismissal. Exhibit-G is a grievance petition dated 19-9-93. Exhibit-I, Exhibit-J, Exhibit-K, Exhibit-L, Exhibit-M, Exhibit-N, Exhibit-O, Exhibit-P, Exhibit-Q, and Exhibit-R are past service records of the 1st party.

The 1st party alleges that by Exhibit-1 charge was framed against him that on 19-8-93 he was absent from duty in between 7:20 P.M. to 8:21 P.M. during second half of the 'B' Shift, which amounts to negligence of duty and cause loss to the production. The 1st party admitted that he filed explanation, Exhibit-2 admitting his guilt and begged mercy. In spite of that, the second party vide Exhibit-3 constituted inquiry committee and vide Exhibit-D he was directed to appear before the said inquiry committee on 29-8-93. The 1st party duly appeared before the inquiry committee and he deposed that on 19-8-93 after 7 P.M. during second half of 'B' Shift, he went out of the Mills to take tea without seeking permission from the Head of the Department or the Departmental Sardar. But due to sudden rain fall and as he had no umbrella with him, he could not come back to his duty in time.



The Ld. Advocate on behalf of the second party contends that the 1st party did not state in his explanation, Exhibit-2 that there was rainfall at the relevant time. It is a fact that the inquiry report, Exhibit-E, was submitted against the 1st party and he was dismissed by the Authority vide Exhibit-4. Subsequently the 1st party submitted a grievance petition, Exhibit-5 where upon the dismissal order was kept unaltered. The story of rainfall as stated by the 1st party in his statement before the inquiry committee seems to be after thought.

The Ld. Advocate for the 1st party submits that in the Inquiry Report, Exhibit-F, it was mentioned that on 19-8-93 owing to unauthorised absence of the 1st party during the 'B' Shift of the mills, only 7000 yards were produced for four hours although the production target was 8000 yards. But in the charge sheet it was simply pointed out that due to his absence during duty hours without permission production was hampered and that the charge sheet was vague and as such the same is in operative. In our views since the charge sheet contains the allegation that due to unauthorised absence of the the 1st party from duty production of the mills was hampered, it covers the same thing.

Next the Ld. Advocate for the 1st party quoting the decision reported in 14 BLD (AD) at page-97 submits that a domestic tribunal holding an inquiry must act fairly. But in the present case the inquiry committee was not fair and impartial in as much as the said committee noted the past service record of the 1st party which was beyond their jurisdiction. We come across that the inquiry committee made passing remark about this matter and for this reason, it can not be presumed that the inquiry committee was not impartial.

The Ld. Advocate for the 1st party also submits that on the basis of an unfair inquiry report, the 1st party was dismissed. He further submits that the 1st party admitted guilt and he claimed mercy but instead he was inflicted punishment in the manner of dismissal which was unwarranted. In reply the Ld. Advocate for the second party has shown Exhibit-H to Exhibit-R, the past service record of the 1st party. He also submitted past service record of the 1st party is not clean and spotless. In spite of previous lenient views taken by the management with regard to 1st party, there was no change in the performance of the 1st party who committed negligence of duty by remaining on unauthorised absence during duty hours. That even in his explanation, Exhibit-1, the 1st party admitted his guilt. So the second party in consideration of his previous service record and also in view of his admission of the guilt found no extenuating circumstances to inflict lesser punishment than passing the dismissal order upon the 1st party. The Ld. Advocate, therefore, concluded that the 1st party is not at all entitled to get reinstatement or any other relief in this case.

Form Exhibit-H to Exhibit-G, it appears that on previous occasions the 1st party was found guilty and was also warned by the Management giving chance for repentance and amendment but it reveals that the 1st party neither amended his performance nor repented. Rather he admitted his guilt with reference to the charge brought against him on 21-8-93. In spite of that there was inquiry committee constituted for the purpose. Report was put up against him by the inquiry committee. Therefore, there is nothing wrong on the part of the second party Management to find him guilty of misconduct for



negligence of duty in as much as the 1st party admitted his guilt. If that was a single instance, definitely that would not have been justified in recording dismissal against the 1st party but that was not the single instance in the performance of the 1st party as we have noted that on several other previous occasions as well as evident from his past service records, Exhibits-H to Exhibit-R, the 1st party committed similar offences and subsequently admitted his guilt and he was let off with warning by the Management giving scope for repentance and amendment. But in practice, there was no improvement. On the part of an employee, if the allegation of negligence of duty repeatedly happens, the Authority is not expected to sit idle as silent spectators although a dismissal order no doubt is a very harsh measure of punishment. Eventually the offence he committed though palpably not very grave in one sense yet manifestly it leads to testify that he has been accustomed to such negligence of duty repeatedly on previous occasions. Therefore, the action taken by the Management can not be called as unreasonable.

Our considered views, however, still is that this court on special grounds in view of the fact that the 1st party was a permanent worker putting several years of services in the enterprise of the second party, can look into that the impugned order of dismissal may be turned into an order of termination making him entitled to termination benefits under the Rules. So the point no 2 is answered in modified manner partly in the affirmative and partly in the negative to the effect that prayer for reinstatement of the 1st party in his former post and position should be refused while the dismissal order should be turned into an order of termination making the 1st party entitled to get termination benefits as available under Section 19 of the Employment of Labour (Standing Orders) Act, 1965.

The Ld. Members views in this regard are duly considered. Hence it is,

#### Ordered

That the Complaint Case No. 60'93 be hereby allowed in part on contest against the second party without any order as to cost.

Prayer for reinstatement of the 1st party in his former post and position be here by refused. Dismissal order dated 8-9-93 be converted into an order of termination making the 1st party entitled to get termination benefits under Section 19(1) of the Employment of Labour (Standing Orders) Act, 1965. The second party is hereby directed to pay the 1st party termination benefits under the Rules within 30 (thirty) days from this date.



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**IN THE 1ST LABOUR COURT AT CHITTAGONG**

**Complaint Case No. 21/94.**

Ruhul Amin,  
Mater Techniciamn (echanical),  
Maintenance Department,  
North Patenga, Chittagong—1st party.

*Versus*

Managing Director,  
T.S.P. Complex Ltd.,  
North Patenga, Chittagong—2nd party.

Order No. 40, Dated 18-3-98.

The court is duly constituted with the following :-

Mr. Md. Abdur Rahman Patwari— Chairman,  
Mr. K. Gyasuddin, }  
Mr. Safar Ali, } Members.

The 1st party takes no step and is found absent on repeated calls.

Heard. Mr. Armanul Hoque Chowdhury who represents the 1st party  
abmits that he will not take step.

The views of the Ld. Members duly cnsidered. Hence it is,

**Ordered**

that the Complaint Case No. 21-94 be dismissed for default.

**Mr. Abdur Rahman Patwari,**  
Chairman, 1st Labour Court,  
Chittagong.

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**IN THE 1ST LABOUR COURT AT CHITTAGONG**

**Complaint Cast No. 42/94.**

Md. Nurul Alam, Ex-Foreman,  
S.o. Late Dula Meah, 275, Nasirabad I/A,  
Chittagong—1st petry.

*Versus*

Abul Khair Vegetable Oil Industries Ltd.,  
Represented by the Managing Director,  
Manager-in-charge, Chittagong—2nd party.



Order Nol 40, dated 9-3-98

The Court is duly constituted with the following :

Mr. Md. Abdur Rahman Patwari, —Chairman.  
Mr. K. Gyasuddin, } Members.  
Mr. Tapan Dutta, }

The parties are absent and takes no step on repeated calls.

Consulted the Ld. Members. Hence it is,

**Ordered**

that the complaint case no 42/94 be dismissed for default.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.

প্রথম শ্রম আদালত, চট্টগ্রাম।

অভিযোগ নামলা নং-৫০/৯৫

মোহাং আব্দুল হক, পিতানুত মোহাং আরব আলী,  
নিরাপত্তা প্রহরী নং-১৩০২, জি, ই, সি, কোং লিঃ,  
পতেংগা, চট্টগ্রাম প্রথম পক্ষ।

বনাম

ব্যবস্থাপনা পরিচালক,  
জেনারেল ইলেকট্রিক ম্যানুফ্যাকচারিং কোং লিঃ,  
জি, পি, ও বক্স নং-৩১১, পতেংগা, চট্টগ্রাম—দ্বিতীয় পক্ষ।

উপস্থিত : জনাব মোঃ আব্দুর রহমান পাটোয়ারী—চেয়ারম্যান।

জনাব খন্দকার গিয়াসউদ্দিন, — সদস্য।

জনাব সফর আলী — সদস্য।

জনাব মোহাং ইলিয়াস, এডভোকেট এবং জনাব এ, কে, এম, মহম্মদ উদ্দিন  
আহম্মদ চৌধুরী, এডভোকেট—প্রথম পক্ষে।

জনাব মোঃ নূরুল হুদা, এডভোকেট—দ্বিতীয় পক্ষে।

রায়ের তারিখ-৯-৩-৯৮ ইং।

প্রথম পক্ষ মোহাম্মদ আব্দুল হক এর কেইস হইল যে তিনি ১৩-১-৮১ ইং তারিখ হইতে  
দ্বিতীয় পক্ষের শিল্প কারখানার নিরাপত্তা বিভাগে নিরাপত্তা প্রহরী হিসাবে স্থায়ীভাবে চাকুরী



করিয়া আসিতেছিলেন। তিনি একজন সৎ, নিষ্ঠাবান, কর্তব্যপারায়ন ও কর্মঠ শ্রমিক হিসাবে দায়িত্ব পালন করিতেছিলেন। এই কৃতিত্বপূর্ব চাকুরী কালীন সময়ে তাহার বিরুদ্ধে কখনও কোন অভিযোগ উত্থাপিত হয় নাই।

প্রথম পক্ষের আরও কেস হইল যে তিনি চাকুরীতে থাকাকালীন সময়ে গত ১২-৮-৯৫ ইং তারিখে 'সি' সিপেট কারখানার প্রধান ভবনের পশ্চিম দিকের ১৫ নং পোটে প্রথম পক্ষের কর্তব্য কালীন সময়ে কর্তব্যে অবহেলার কারণে প্রধান ভবনের সপ নং-২ ও সপ নং-৬, তে চুরি সংঘটিত হওয়ার অভিযোগে তাহাকে 'অভিযুক্ত' করিয়া কৈফিয়ত তলবসহ সাময়িক বরখাস্ত আদেশ প্রদান করেন।

ইহাও প্রথম পক্ষের কেস হইল যে গত ১২-৮-৯৫ ইং তারিখে তিনি যথারীতি নিজ কর্তব্য সম্পাদন করিয়া প্রহরীদের কর্তব্য তদারকী হাবিলদারের মাধ্যমে পরবর্তী 'এ' সিপেটের প্রহরীকে উক্ত সপ মুহুর প্রহরার দায়িত্ব বুঝাইয়া দিয়া কর্মস্থল ত্যাগ করার পরের দিন তাহার বিরুদ্ধে কথিত অভিযোগ আনয়ন করা হয়।

প্রথম পক্ষ ১৬-৮-৯৫ ইং তারিখে দ্বিতীয় পক্ষের ১৩-৮-৯৫ ইং তারিখে জি ই এম/প্রশাসন/ব্যক্তি/৪৪/২০৫/৭১৮ নং স্মারক সূত্রে আনিত অভিযোগ অস্বীকার করিয়া উহার জবাব প্রদান করেন। তাহার আরও কেস হইল যে গত ১২-৮-৯৫ ইং তারিখে রাতে ৮ টার সময় কারখানায় শ্রমিকগণ অতিরিক্ত কর্মসহ স্ব স্ব কর্ম সম্পাদন করিয়া কারখানা ত্যাগ করার সাথে সাথে 'বি' সিপেটের নিরাপত্তা প্রহরীদের কর্তব্য কর্ম চলাকালীন সময়ে কারখানায় প্রধান ফটকের চাবি নিরাপত্তা বিভাগের দপ্তরে জমা প্রদান পূর্বক তালা বন্ধ করিয়া সীল গালা করা হয়। প্রথম পক্ষ উক্ত ১২-৮-৯৫ ইং তারিখের রাতে ১০ টার সময় সীল গালা অবস্থায় রাউণ্ড ও কর্তব্য কর্ম তদারকী হাবিলদারের উপস্থিতিতে 'বি' সিপেটের নিরাপত্তা প্রহরী হইতে 'সি' সিপেটের কর্তব্য কর্ম বুঝিয়া নিয়া যথারীতি 'ভোর' ৬টা পর্যন্ত কর্তব্য সম্পাদন করিয়া নিরাপত্তা প্রহরীদের কর্তব্য কর্ম তদারকী হাবিলদারের উপস্থিতিতে ও মাধ্যমে পরবর্তী 'এ' সিপেটের নিরাপত্তা প্রহরীকে উক্ত অক্ষত সীলগালা অবস্থায় কর্তব্য কর্ম বুঝাইয়া দিয়া কর্মস্থল ত্যাগ করেন। কাজেই প্রথম পক্ষের কর্তব্য অবহেলার কারণে গত ১২-৮-৯৫ ইং তারিখে প্রথম পক্ষের কর্তব্য কালীন সময়ে কারখানার প্রধান ভবনের সপ নং-২ ও ৬ হইতে কথিত মতে কানেকটিং ক্যাবল ও কিছু পরিমাণ পেপার ইনসুলেটর কপায় চুরি হওয়ার কথা আদৌ সত্য নহে।

দ্বিতীয় পক্ষ প্রথম পক্ষের গত ১৬-৮-৯৫ ইং তারিখের আবেদন বিবেচনা না করিয়া তাহাদের সমর্থন পুষ্ট কর্মকর্তা নিয়া গঠিত তদন্ত কমিটির তদন্ত প্রতিবেদনের প্রেক্ষিতে ১৮-৯-৯৫ ইং তারিখের জি ই এম/প্রশাসন/ব্যক্তি/৪৪/২০৫/৭৭ নং স্মারক মূলে গত ১৮-৯-৯৫ ইং তারিখে চাকুরী হইতে বরখাস্ত করেন। মূলতঃ উক্ত বরখাস্ত আদেশ অবৈধ, উদ্দেশ্য প্রণোদিত, অকার্যকর ও বাতিলযোগ্য। আইনানুসারে কোন তদন্ত কমিটি গঠিত হয় নাই এবং কথিত তদন্ত কমিটি নিরপেক্ষভাবে তদন্ত কাজ পরিচালনা করেন নাই।

প্রথম পক্ষের গত ২৬-৯-৯৫ ইং তারিখে একখানা গ্রীভেন্স পিটিশন দাখিল করিলে দ্বিতীয় পক্ষ ১-১০-৯৫ ইং তারিখে উহা প্রাপ্ত হন। দ্বিতীয় পক্ষ গ্রীভেন্স পিটিশন অনুসারে ব্যক্তিগত ঞনানীর সুযোগ না দিয়া এবং উহা বিবেচনা না করিয়া গত ১৪-১০-৯৫ ইং তারিখে জি ই এম/প্রশাসন/ব্যক্তি/৪৪/২০৫/৮১২ নং স্মারক সূত্রে প্রথম পক্ষকে গত ১৪-১০-৯৫ ইং তারিখের চাকুরী হইতে বরখাস্ত কারণের আদেশটি বহাল রাখায় উক্ত আদেশে প্রথম পক্ষ বিক্ষুব্ধ হওয়ার অত্র মামলাটি আনয়ন করা হইয়াছে:



দ্বিতীয় পক্ষ একখানা লিখিত জবাব দাখিল করিয়া প্রথম পক্ষের অভিযোগ অস্বীকার করেন। প্রকৃত বিবরণে দ্বিতীয় পক্ষের কেস হইল যে প্রথম পক্ষ বিগত ১২-৮-৯৫ ইং তারিখে 'সি' সিপ্টের কারখানার প্রধান ভবনের সম্মুখস্থ ১৫ নং পোটে কর্মরত থাকাবস্থায় ইচ্ছাকৃতভাবে কর্তব্যে চরম অবহেলার কারণে প্রধান ভবনের সপ নং ২ ও ৬ হইতে গোল-ডারিং সেটের আনুমানিক ৬৫ মিটার অতি মূল্যবান কানেকটিং ক্যাবল এবং সপ নং ৬ হইতে কিছু পরিমাণ পেপার ইনসুলেটর ইনসুলেটর কপার তার চুরি হওয়াতে দ্বিতীয় পক্ষ প্রথম পক্ষের বিরুদ্ধে ১৩-৮-৯৫ ইং তারিখে কৈফিয়ত তলবসহ সাময়িক বরখাস্ত করন আদেশ প্রদান করেন। প্রথম পক্ষ বিগত ১৫-৮-৯৫ ইং তারিখে এই দ্বিতীয় পক্ষের কৈফিয়ত তলব পত্রের জবাব প্রদান করেন। প্রথম পক্ষের উক্ত জবাব সন্তোষজনক না হওয়ার কারণে তিন সদস্য বিশিষ্ট তদন্ত কমিটির মাধ্যমে বিষয়টির উপর তত্ত্বের ব্যবস্থা করা হয়। তদন্ত কালে প্রথম পক্ষ অংশ গ্রহণ করিয়াছে এবং তাহাকে আত্মপক্ষ সমর্থনের জন্য পূর্ব স্বেযোগ প্রদান করা হইয়াছে। তদন্ত কমিটি কর্তৃক পেশকৃত প্রতিবেদন ও সাক্ষ্য প্রমানের ভিত্তিতে প্রথম পক্ষ দোষী সাব্যস্ত হয়। প্রথম পক্ষের বিরুদ্ধে আনিত অভিযোগ গুরুতর এবং শ্রমিক নিয়োগ (স্থায়ী আদেশ) আইন, ১৯৬৫ এর ১৭(৩) ধারা মোতাবেক অসপাচরণমূলক অপরাধ হিসাবে চাকুরী হইতে বরখাস্ত করণের আওতাধীন হওয়াতে তাহাকে ১৮-৯-৯৫ ইং তারিখে চাকুরী হইতে বরখাস্ত করা হয়।

দ্বিতীয় পক্ষের আরও কেস হইল যে প্রথম পক্ষের কর্তব্য অবহেলার কারণে বিগত ১২-৮-৯৫ ইং তারিখে চাকুরী হইতে বরখাস্ত আদেশ সঠিক ছিল। কাজেই প্রথম পক্ষ প্রার্থী মতে কোন প্রকার প্রতিকার পাইতে পারে না।

#### বিবেচনার বিষয়

- ১। প্রথম পক্ষকে চাকুরী হইতে বরখাস্ত আদেশ বিধি বহির্ভূত ছিল কি?
- ২। প্রথম পক্ষ প্রার্থী মতে কোন প্রতিকার পাইতে পারে কি?

#### আলোচনা ও সিদ্ধান্ত

আলোচনার সুবিধার্থে বিবেচনার বিষয়সমূহ একসঙ্গে লওয়া হইল।

পক্ষগণের মধ্যে স্বীকৃত যে প্রথম পক্ষ মোহাম্মদ আবদুল হক জেনারেল ইলেকট্রিক ম্যানুফ্যাকচারিং কোং লিঃ চটগ্রাম এর একজন নিরাপত্তা প্রহরী ছিলেন। পক্ষগণের মধ্যে আরও স্বীকৃত যে গত ১২-৮-৯৫ ইং তারিখে 'সি' সিপ্টের রাত ১০ ঘটিকা হইতে ভোর ৬ ঘটিকা পর্যন্ত ১ম পক্ষ মোহাম্মদ আবদুল হক এবং অপর একজন নিরাপত্তা প্রহরী সাহাদাত হোসেন সহ জেনারেল ইলেকট্রিক ম্যানুফ্যাকচারিং কোং লিঃ, চটগ্রাম এ দায়িত্বরত ছিলেন। দ্বিতীয় পক্ষের অভিযোগ হইল যে উক্ত ১২-৮-৯৫ ইং তারিখে রাত ১০ ঘটিকা হইতে ভোর ৬ ঘটিকার মধ্যে জেনারেল ইলেকট্রিক ম্যানুফ্যাকচারিং কোং লিঃ, চটগ্রাম এর সপ নং ২ হইতে পোল্ডারিং সেটের অতি মূল্যবান কানেকটিং ক্যাবল এবং সপ নং ৬ হইতে কিছু পরিমাণ পেপার ইনসুলেটর কপার তার চুরি হয় বাহার পরিমাণ ৫/৬ মণ হইবে। কিছু ঐ সময় কর্তব্যরত নিরাপত্তা প্রহরী প্রথম পক্ষ মোহাম্মদ আবদুল হক এবং তাহার সহধর্মী সাহাদাত হোসেন বখাবধভাবে দায়িত্ব পালন করেন নাই বিষয় উক্তরূপে চুরি সংটিত হইয়াছিল।



পক্ষ গণের দাখিলকৃত কাগজ পত্র পর্যালোচনা করিয়া দেখা যায় যে দ্বিতীয় পক্ষ ১৩-০৮-৯৫ ইং তারিখে প্রথম পক্ষ মোহাম্মদ আব্দুল এবং তাহার সহকর্মী সাহাদাত হোসেন এর পৃথক পৃথক ভাবে কৈফিয়ত তলবগহ সাময়িকভাবে বরখাস্ত করেন। অতঃপর প্রথম পক্ষ মোহাম্মদ আব্দুল হক ১৬-০৮-৯৫ ইং তারিখে লিখিতভাবে কৈফিয়তের জবাব প্রদান করেন কিন্তু জেনারেল ইলেকট্রিক ম্যানুফ্যাকচারিং কোং লিঃ, চট্টগ্রাম প্রথম পক্ষের জবাব সন্তোষজনক না হওয়ায় ১৯-০৮-৯৫ ইং তারিখে বিষয়টি তদন্ত করার জন্য ৩ সদস্য বিশিষ্ট একটি কমিটি গঠন করেন। তদন্ত কমিটি মোট ১৬ জন সাক্ষীর সাক্ষ্য গ্রহণ করেন এবং প্রথম পক্ষ মোহাম্মদ আব্দুল হককে তাহাদের জেরা করার সুযোগ দেন। আলোচ্য তদন্ত প্রতিবেদনে পর্যালোচনা দেখা যায় যে ১২-০৮-৯৫ ইং তারিখ দিবাগত 'সি' সিপেটর রাত্রে ১০ ঘটিকা হইতে ভোর ৬ ঘটিকার মধ্যে যে কোন এক সময় জেনারেল ইলেকট্রিক ম্যানুফ্যাকচারিং কোং লিঃ, চট্টগ্রাম এর ভবনের ১৫ এবং ১৬ নং পৌষেটর আওতাভুক্ত স্থান দিয়া মালামালগুলি চুরি হইয়াছিল। তবে ঐ সময় কর্তব্যরত নিরাপত্তা প্রহরী মোহাম্মদ আব্দুল হক এবং তাহার সহকর্মী অপর নিরাপত্তা প্রহরী সাহাদাত হোসেন যথাযথভাবে দায়িত্ব পালন করে নাই।

তদন্ত প্রতিবেদন হইতে ইহা লক্ষ্য করা যায় যে কর্তৃপক্ষ প্রথম পক্ষ মোহাম্মদ আব্দুল হক এবং তাহার সহকর্মী সাহাদাত হোসেনকে ১৮-০৯-৯৫ ইং তারিখের জি ই সি/প্রশাসন/ব্যক্তি/চতুর্থ/২০৫/৭৭২ নং স্মারকের মাধ্যমে চাকুরী হইতে বরখাস্ত করেন। ইহার পর প্রথম পক্ষ মোহাম্মদ আব্দুল হক ২৬-০৯-৯৫ ইং তারিখে একটি প্রীতান্ন পিটিশন দাখিল করেন। কর্তৃপক্ষ উহা বিবেচনা অস্তে ১০-১০-৯৫ ইং তারিখে উক্ত প্রীতান্ন পিটিশন প্রত্যাখ্যান করিয়াছেন।

প্রথম পক্ষের বক্তব্য হইল যে তদন্ত কমিটি নিরপেক্ষ ছিল না এবং উক্ত তদন্ত কমিটির প্রতিবেদন উদ্দেশ্য প্রণোদিত ছিল। পক্ষান্তরে আলোচ্য তদন্ত কমিটি নিরপেক্ষ ছিল না এবং তাহাদের দাখিলকৃত প্রতিবেদন সঠিক নয় এমন কোন বিষয় বস্তু প্রথম পক্ষ আদালতের দৃষ্টিগোচরে আনিতে সমর্থ হন নাই। বরং ইহা প্রতীয়মান হয় যে দ্বিতীয় পক্ষ কর্তৃক গঠিত তদন্ত কমিটি সঠিকভাবে তদন্ত কার্য পরিচালনা করিয়াছিল এবং প্রথম পক্ষকে আত্মপক্ষ সমর্থন করার জন্য সুযোগ প্রদান করিয়াছেন। কাজেই প্রথম পক্ষের বক্তব্য গ্রহণ করা যায় না।

পক্ষগণের মধ্যে দ্বিমত নাই যে ১৩-১-৮১ ইং তারিখ হইতে প্রথম পক্ষ দ্বিতীয় পক্ষের অধীনে শিল্প কারখানায় নিরাপত্তা প্রহরী হিসাবে নিরাপত্তা বিভাগে স্থায়ীভাবে চাকুরী করিয়া আসিতেছিলেন। তিনি একজন সৎ, নিষ্ঠাবান ও কর্মঠ স্থায়ী শ্রমিক হিসাবে স্নানমের সহিত কর্তব্য কর্ম সম্পাদন করিয়া আসিতেছিলেন বলিয়া মূল দরখাস্তে উল্লেখ করিয়াছেন। এতদ্ব্যতীত প্রথম পক্ষ দাবী করেন যে তাহার দীর্ঘ দিনের চাকুরী জীবনে তাহাকে আর কোন দিন কর্তব্য কাজে অবহেলা বা তাহার দায়িত্ব পালনে কোন প্রকার অনিয়ম সংগঠিত হইয়াছিল এরূপ অভিযোগে অভিযুক্ত করা হয় নাই। দ্বিতীয় পক্ষ আদালতে এরূপ কোন কাগজ প্রমাণ দাখিল করেন নাই যে প্রথম পক্ষের চাকুরীর রেকর্ড ইতিপূর্বেও সন্তোষজনক ছিল না। তাহাকে শ্রমিক নিয়োগ (স্থায়ী আদেশ) আইন, ১৯৬৫ এর ১৭ ধারার ৩ উপ ধারা গতে কাজে অবহেলার জন্য চাকুরী হইতে বরখাস্ত করা হইয়াছে। যেহেতু দ্বিতীয় পক্ষ জেনারেল ইলেকট্রিক ম্যানুফ্যাকচারিং কোং লিঃ, চট্টগ্রাম এর অধীনে প্রথম পক্ষ দীর্ঘদিন চাকুরীরত ছিলেন এবং তাহার চাকুরী জীবনে অন্য কোন সময় আর কোন অভিযোগ হয়না এবং এক কথায় তার ইতি পূর্বকার চাকুরীর রেকর্ড সন্তোষজনক ছিল বিধায় তাহার বরখাস্ত আদেশকে টামিনেশান হিসাবে রূপান্তর করা যুক্তিসংগত হইবে বলিয়া মনে হয়।



বিজ্ঞ সদস্যগণের সহিত আলোচনা করা হইল। তাঁহারাও এই মতপোষণ করেন যে প্রথম পক্ষ মোহাম্মদ আব্দুল হককে চাকুরী হইতে বরখাস্তের পরিবর্তে টারমিনেশন করা অধিকতর শ্রেয় ছিল। আমরা বিজ্ঞ সদস্যগণের সহিত একমত পোষণ করিতেছি।

আলোচনা নতে বিবেচ্য বিষয় সমূহ নিষ্পত্তি করা হইল।

অতএব আদেশ হইল যে,

অত্র অভিযোগ কেইস নং-৫০/৯৫ দো-তরফা সূত্রে বিনা খরচায় আংশিক মঞ্জুর করা হইল। প্রথম পক্ষ মোহাম্মদ আব্দুল হককে চাকুরীতে পুনঃবহালের প্রার্থনা নাকচ করা গেল। শ্রমিক নিয়োগ (স্থায়ী আদেশ) আইন, ১৯৬৫ এর ১৯(১) ধারা নতে তাহাকে চাকুরী হইতে ১৮-৯-৯৫ ইং তারিখের বরখাস্ত আদেশ রদ ও রহিত ক্রমে টারমিনেশন হিসাবে রূপান্তর করা হইল। অত্র আদেশের ত্রিশ দিনের মধ্যে প্রথম পক্ষকে টারমিনেশন বেনিফিটস প্রদান করার জন্য দ্বিতীয় পক্ষকে নির্দেশ দেওয়া গেল।

নোঃ আব্দুর রহমান পাটোয়ারী,  
চেয়ারম্যান, ১ম শ্রম আদালত,  
চট্টগ্রাম।

IN THE 1ST LABOUR COURT AT CHITTAGONG

Complaint Case No. 51/95

d. Shahadat —Hossain,  
S/O. Late Sharafat Ullah Munshi,  
Security guard (1417), G.E.M. Co. Ltd.,  
Patenga, Chittagong—1st party.

*Versus.*

Managing Director,  
General Electric Manufacturing Co. Ltd.,  
G.P.O. Box No. 311, Patenga, Chittagong—2nd party.

Order no. 20 dt. 2-3-98.

The court is duly constituted with the following :  
Mr. Md. Abdur Rahman Patwari, Chairman.  
Mr. K. Gyasuddin,  
Mr. Safar Ali, Members.

The 2n party files hazira and ready for hearing. The 1st party takes no t ep and is found absent on repeated calls.



Consulted the Ld. Members. Hence it is,

**Ordered**

that the complaint case be dismissed for default

S Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.

**IN THE 1ST LABOUR COURT AT CHITTAGONG**

Complaint Case No. 83/96

Sarwar, S/O. Abul Boser, Peon,  
Arrow Fashion Pvt. Ltd. & Member,  
Arrow Fashion Garmments Sramik Karmohari Union,  
Regd. No. Chatta-1110, 82/83, Sadarghat, Road,  
P.S. Kotwali, Dist. Chittagong.—1st party.

**Versus.**

Sk. Abdul Momin Mintu, S/O. Late Abdul Khaleque,  
Managing Director, Arrow Feshion Pvt. Ltd.  
Factory-82/83, Sedarghat Road, P.S. Kotwali,  
Dist. Chittagong, Head Office Ziban Bima Bhavan,  
Jublee Road, P.S. Kotwali, Dist. Chittagong—2nd party.

Order No.-18 dt. 2-3-98

The court is duly constituted with the fololwing :

Mr. Md. Abdur Rahman Patwari,—Chairman,  
Mr. K. Gyasuddin,—Member  
Mr. Safar Ali,

The petition dated 22-12-79 filed by the 1st party for withdrawal of the case is taken up for hearing and order.

Heard. Perused the withdrawal petition and the case record. The petitioner intends to withdtaw the case on the plen that both the parties through nege-tiation out of the court amicably compromised the dispute.

Consulted the Ld. Members.

The prayer is allowed. Hence it is,

**Ordered**

that the 1st party be permitted to withdraw the case as sought for.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.



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**IN THE 1ST LABOUR AT COURT CHITTAGONG**
**Complaint Case No.81/96**

Aklima Begum, S/o. Late Mouliwi Mir Ahmed, Karmil,  
Arrow Fashion Pvt. Ltd. and Memger,  
Arrow Fashion Garments Sramik Karmachari Union,  
Regd.No. Chatta-1110.82/83, Sadarghat Road,  
P.S. Kotwali, Dist. Chittagong.—1st Party.

**Versus**

Sk. Abdul Momin Mintu, S/o. Late Abdul Khaleque,  
Managing Director, Arrow Fashion Pvt. Ltd.,  
Factory-82/83, Sadarghat Road, P.S. Kotwali,  
Dist. Chittagong, Head Office-Ziban Bima Bhavan,  
Jublee Road, P.S. Kotwali, Dist. Chittagong.—2nd party.

Order no. 18 dt. 11-3-98.

The court is duly constituted with the following:

Mr. Md. Abdur Rahman Patwari,—Chairman.  
Mr. K. Gyasuddin  
Mr. Safar Ali, —Members.

The petition dated 18-12-97 filed by the 1st party for withdrawal of the case is taken up for hearing and order.

Heard. Perused the complaint petition and the withdrawal petition. The complainant is not willing to continue with the case as the dispute was amicably resolved out of the court.

The views of the Ld. Members are in favour of withdrawal of the case.

The prayer is allowed. Hence ist is,

**ordered**

**that the complainant be permitted to withdraw the case as sought for.**

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.



**IN THE 1ST LABOUR COURT AT CHITTAGONG**

**Complaint Case No. 80/96**

Lakhi Mohajan, S/o. late Haripad Mohajan, Operator,  
Arrow Fashion Pvt. Ltd & Mamber,  
Arrow fashion Garments Sramik Karmachari Union,  
Regd. No. Chatta-1110, 82/83, Sadarghat Road,  
P.S. Kotwali, Dist. Chittagong. 1st party.

Vs.

Sk. Abdul Momin Mintu, S/o. Late Abdul Khaleque,  
Managing Director, Arrow Fashion Pvt. Ltd.,  
Factory-82/83, Sadarghat Road, P.s. Kotwali,  
Dist. Chittagong, Head Office-Ziban Bima Bhavan,  
Jublee Road, P.s. Kotwali. Dist. Chittagon. 2nd party.

Order No. 17 dt. 2-3-98

The court is duly constituted with the following

Mr. Md. Abdur Rahman Patwari,	}	Chairman.
Mr. K. Gyasuddin,		Members
Mr. Safar Ali,		

The petition dated 8-12-97 filed by the 1st party for withdrawal of the case is taken up for hearing and order.

Heard. Parused the withdrawal petition and the case record. The petitioner intends to withdraw the case on the plea that both the parties through negotiation out of the court amicably compromised the dispute.

Consulted the Ld. Members.  
The prayer is allowed Hence it is,

**Ordered**

That the 1st party be permitted to withdraw the case as sought for.

Md, Abdur Rahman Patwari,  
Chairman. 1st Labour Court,  
Chittagong.



IN THE 1ST LABOUR COURT AT CHITTAGONG

Complaint Case No. 79/96

Minu Brura, S/o. Ragunath Brua, Operator,  
Arrow Fashion Pvt. Ltd. and Member,  
Arrow Fashion Garments Sramik Karmachari Union,  
Regd. No.-Chatta-1110, 82/83, Sadarghat Road,  
P. S. Kotwali, Dist. Chittagong. 1st party.

Vs.

Sk. Abdul Momin Mintu, S/o Late Abdul Khaleque,  
Managing Director, Arrow Fashion Pvt. Ltd.,  
Factory-82/83, Sadarghat Road, P.s. Kotwali,  
Dist. Chittagong, Head Office-Ziban Bima Bhavan,  
Jublee Road, P.s. Kotwali, Dist. Chittagong.—2nd party.

Order no 18-5-3-98

The court is duly constituted with the following :-

Mr. Md. Abdur Rahman Patwari,	Chairman...
Mr. A.T.M. Nurul Alam	} Members.
Mr. Safar Ali,	

The petition dated 28-12-97 filed by the 1st party for withdrawal of the case is taken up for hearing and order.

Heard. Gone through the withdrawal petition dated 28-12-97 and the original petition. The 1st party has stated in this petition that she amicably resolved the dispute with the second party out of the court and now she is not willing to proceed with the case.

The views of the Ld. Members duly considered. The prayer is allowed. Hence it is,

Ordered

That the 1st party be permitted to withdraw the case as sought for.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court  
Chittagong.:



## IN THE 1ST LABOUR COURT AT CHITTAGONG

**Complaint Case No. 75/96**

Rita Dey, S/o. Late Moniranjn Dey, Operator,  
Arrow Fashion Pvt. Ltd. and Vice President,  
Arrow Fashion Garments Sramilk Karmachari Union,  
Regl. No. Chattar 1110, 82/83, Sadarghat Road,  
P.s. Kotwali, Dist. Chittagong.—1st party.

**Vs.**

Sk. Abdul Momin Mintu, S/o. Late Abdul Khaleque,  
Managing Director, Arrow Fashion Pvt. Ltd.,  
Factory-82/83, Sadarghat Road, P.o. Kotwali,  
Dist. Chittagong, Head Office-Ziban Bima Bhavan,  
Jublee Road, P.o. Kotwali, Dist. Chittagong.—2nd party.

Order no 16 dt. 25-3-98

The court is duly constituted with the following :--

Mr. Md. Abdur Rahman Patwari,	Chairman.;
Mr. A.T.M. Nurul Alam,	} Members.;
Mr. Safar Ali,	} Members.

The petition dated 15-6-97 filed by the 1st party for withdrawal of the case is taken up for hearing and order.

Heard. Perused the withdrawal petition dated 15-6-97 and the case petition. In the withdrawal petition, it has been stated that the parties resolved their disputes out of the court. Therefore, the 1st party is not desirous to proceed with the case any more.

The opinion of the Ld. Members duly considered. The prayer is allowed. Hence it is,

**Ordered**

That the 1st party be permitted to withdraw the case as sought for.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.



IN THE 1ST LABOUR COURT AT CHITTAGONG

Complaint Case No. 72/96

Archana Das, S/o Sawpan Das, Operator,  
Arrow Fashion Pvt. Ltd. & Member,  
Arrow Fashion Garments Sramik Karmachari Union,  
Regd No Chatta-1110, 82/83, Sadarghat Road,  
P.o. Kotwali, Dist Chittagong—1st party.

Vs

Sk. Abdul Momin Mintu, S/o Late Abdul Khaleque,  
Managing Director, Arrow Fashion Pvt. Ltd.,  
Factory-82/83, Sadarghat Road, P.s. Kotwali, Dist Chittagong,  
Dist Chittagong, Head Office-Ziban Bima Bhavan,  
Jubece Road, P.s. Kotwali, Dist Chittagong—2nd party.

Order No 17 dt. 2-3-98

The court is duly constituted with the following :--

Mr Md Abdur Rahman Patwari, Chairman ;  
Mr Ks. Gya.uddin, } Members  
Mr Safar Ali, }

The petition dated 17-12-97 filed by the 1st party for withdrawal of the case is taken up for hearing and order

Heard Parused thae withdrawal petition and the case record. The petitioner intend to withdraw the case on the plea that both the parties through negotiation out of the court amicably compromised the dispute

Consulted the Ld. Member.

The prayer is allowed. Hence it is,

Ordered

That the 1st party be permitted to withdraw the case as sought for.

Md Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong ;

## IN THE 1ST LABOUR COURT AT CHITTAGONG

**Complaint Case No. 66/96**

Bashana Das, W/o. Kalipad Das, Operator,  
Arrow Fashion Pvt. Ltd. and Member,  
Arrow Fashion Garments Sramik Karmachari Union,  
Regd. No. Chatta-1110, 82/83, Sadarghat Road,  
P. S. Kotwali, Dist. Chittagong—1st party.

**Vs.**

Sk. Abdul Momin Mintu, S/o, Lafe Abdul Khaleque,  
Managing Director, Arrow Fashion Pvt. Ltd.,  
Factory-82/83, Sadarghat Road, P. S. Kotwali,  
Dist. Chittagong, Head Office-Ziban Bima Bhavan,  
Jublee Road, P. S. Kotwali, Dist. Chittagong—2nd party.

Order no. 18 dt. 5-3-98.

The court is duly constituted with the following :

Mr. Md. Abdur Rahman Patwari,  
Mr. K. Gyasuddin,  
Mr. Safar Ali,

—Chairman.

} —Members.

The petition dated 18-6-97 filed by the 1st party for withdrawal of the case is taken up for hearing and order.

Heard. We cast a glance over the withdrawal petition and the case record. In the petition dated 18-6-97, 1st party Bashana Das has stated that both the parties resolved the dispute out of the court. So he does not wish to continue with the case.

**Consulted the Ld. Members.**

**Hence it is,**

**Ordered**

that the 1st party be permitted to withdraw the case.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong-i



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IN THE 1ST LABOUR COURT AT CHITTAGONG

Complaint Case No. 54/96.

Rina Das, S/o. Himanshu Bimal Das, Operator,  
Arrow Fashion Pvt. Ltd. and Member,  
Arrow Fashion Garments Sramik Karmachari Union,  
Regd. No. Chatta-1110, 82/83, Sadarghat Road,  
P. S. Kotwali, Dist. Chittagong—1st party.

Vs.

Sk. Abdul Momin Mintu, S/o. Late Abdul Khaleque,  
Managing Director, Arrow Fashion Pvt. Ltd.,  
Factory-82/83, Sadarghat Road, P. S. Kotwali,  
Dist. Chittagong, Head Office-Ziban Bima Bhavan,  
Jublee Road, P. S. Kotwali, Dist. Chittagong—2nd party.

Order no. 17 dt. 11-3-98.

The court is duly constituted with the following :

Mr. Md. Abdur Rahman Patwari,	—Chairman.
Mr. K. Gyasuddin,	—Members.
Mr. Safar Ali,	

The petition dated 9-2-98 filed by the 1st party for withdrawal of the case taken up for hearing and order.

Heard. Perused the complaint petition and the withdrawal petition. The complainant is not willing to continue with the case as the dispute was amicably resolved out of the court.

The views of the Ld. Members are in favour of withdrawal of the case.

The prayer is allowed. Hence it is.,

Ordered

that the complainant be Permitted to withdraw the case as sought for.

Md. Abdur Rahman patwari,  
Chairman, 1st Labour Court,  
Chittagong.

## IN THE 1ST LABOUR COURT AT CHITTAGONG

**Complaint Case No. 49/96**

Kanika Bhartecharjee, S/o. Biraher Bhartecharjee, Operator,  
Arrow Fashion Pvt. Ltd. and Member,  
Arrow Fashion Garments Sramik Karmachari Union,  
Regd. No. Chattag 1110, 82/83, Sadarghat Road,  
P. S. Kotwali, Dist. Chittagong—1st party.

Vs.

Sk. Abdul Momin Mintu, S/o. Late Abdul Khaleque,  
Managing Director. Arrow Fashion Pvt. Ltd.,  
Factory-82/83, Sadarghat Road, P. S. Kotwali,  
Dist. Chittagong, Head Office-Ziban Bima Bhavan,  
Jublee Road, P. S. Kotwali, Dist. Chittagong—2nd party.

Order no. 15 dt. 11-3-98

The court is duly constituted with the following :

Mr. Md. Abdur Rahman Patwari,  
Mr. K. Gyasuddin,  
Mr. Tapan Dutta,

} —Chairman.  
} —Members.

The petition dated 8-1-98 filed by the 1st party for withdrawal of the case is taken up for hearing and order.

Heard. The 1st party Kanika Bhattacharjee has stated in the petition that the dispute was resolved amicably. So he is not desirous to proceed further.

Consulted the Ld. Members.

The prayer is allowed. Hence it is,

**Ordered**

that the 1st party be permitted to withdraw the case.

**Md. Abdur Rahman Patwari,**  
Chairman, 1st Labour Court,  
Chittagong.



IN THE 1ST LABOUR COURT AT CHITTAGONG

Complaint Case No. 36/96

Joya Barua, S/o. Direndralal Barua, Operator,  
Arrow Fashion Pvt. Ltd. and Member,  
Arrow Fashion Germents Sramik Karmachari Union,  
Regd. No. Chatta-1110, 82/83, Sadarghat Road,  
P. S. Kotwali, Dist. Chittagong—1st party

Vs.

Sk. AbdulMomin Mintu, S/o. Late Abdul Khaleque,  
Managing Director, Arrow Fashion Pvt. Ltd.,  
Factory-82/83, Sadarghat Road, P. S. Kotwali,  
Dist. Chittagong, Head Office-Ziban Bima Bhavan,  
Jublee Roao, P. S. Kotwali, Dist. Chitagong—2nd party.

Order no. 17 dt. 10-3-98

The court is duly constituted with the following :

Mr. Md. Abdur Rahman Patwari,	}	—Chairman.;
Mr. K. Gyasuddin,;		Members.
Mr. Tapen Dutta,		

The petition dated 15-12-97 filed by the 1st party for withdrawal of the case is taken up for hearing and order.

Heard. The complainant has stated in the petition that after thread bare discussions between both the parties, the dispute was amicably resolved with full satisfaction.

The views of the Ld. Members obtained.

The prayer is allowed. Hence it is,

**Ordered**

that the complainant be permitted to withdraw the case as sought for.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court.  
Chittagong.;

## IN THE 1ST LABOUR COURT AT CHITTAGONG

**Complaint Case No. 35/96**

Krishna Chowdhury, S/o. Rabindra Chowdhury, Operate  
Arrow Fashion Pvt. Ltd. and Member,  
Arrow Fashion Garments Sramik Karmachri Union,  
Regd. No. Chatta-110, 82/83, Sadarghat Road,  
P. S. Kotwali, Dist. Chittagong—1st party.

**Vs.**

Sk. Abdul Momin intu, S/o. Late Abdul Kahaleque,  
Managing Director, Arrow Fashion Pvt. Ltd.,  
Factory-82/83, Sadarghat Road, P. S. Kotwali,  
Dist. Chittagong, Head Office-Ziban Bima Bhavan,  
Jublee Road, P. S. Kotwali, Dist. Chittagong—2nd party.

Order no. 16 dt. 10-3-98.

The court is duly constituted with the following :

Mr. Md. Abdur Rahman Patwari,	}	—Chairman.
Mr. K. Gyasuddin,	}	—Members.
Mr. Tapan Dutta,		

The petition dated 13-1-98 filed by the 1st party for withdrawal of the case is taken up for hearing and order.

Heard. The complainant has stated in the petition that after thread bare discussions between both the parties, the dispute was amicably resolved with full satisfaction.

The views of the Ld. members obtained.

The prayer is allowed. Hence it is,

**Ordered**

that the complainant be permitted to withdraw the case as sought for.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court.  
Chittagong.



## IN THE 1ST LABOUR COURT AT CHITTAGONG

Complaint Case No. 34/96

Shandha Pa, S/o. Rabati Pal, Oprerator,  
Arrow Fashion Pvt. Ltd. and Publicity Secretary,  
Arrow Fashion Garments Sramik Karmachari Uhion,  
Regd. No. Chatta-1110, 82/83, Sadarghat Road,  
P. s. Kotwali, Dist. Chittagong.—1st party.

Vs.

Sk. Abdul Momin Mintu, S/o. Late Abdul Khaleque,  
Managing Director, Arrow Fashion Pvt. Ltd.,  
Factory-82/83, Sadarghat Road, P.s. Kotwali,  
Dist. Chittagong, Head Office-Ziban Bima Bhavan,  
Jublee Road, P. s. Kotwali, Dist. Chittagong.—2nd Party.

Order no. 19 dt. 10-03-98

The court is duly constituted with the following :—

Mr. Md. Abdur Rahman Patwari,	}	—Chirman.
Mr. K. Gyasuddin,;		—Members.]
Mr. Tapan Dutta,		

The petition dated 18-12-98 filed by the 1st party for withdrawal of the case is taken up for hearing and order.

Heard. The views of the Ld. members were considered.

Hence i is,

**Ordered**

the the 1st party be permitted to withdraw the case as sought for.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.

## IN THE 1ST LABOUR COURT AT CHITTAGONG

## Complaint Case No. 32/96

Farida Sultana, S/o. Late Saleh Ahmed, Operator,  
Arrow Fashion Pvt. Ltd. and A.G.S.  
Arrow Fashion Garments Sramik Karmachari Union,  
Regd. No. Chatta-1110, 82/83, Sadarghat Road,  
P.S. Kotwali, Dist. Chittagong.—1st party.

Vs.

Sk. Abdul Momin Mintu, S/o. Late Abdul Khaleque,  
Managing Director, Arrow Fashion Pvt. Ltd.,  
Factory-82/83, Sadarghat Road, P.S. Kotwali,  
Dist. Chittagong, Head Office-Ziban Bima Bhavan,  
Jublee Road, P.S. Kotwali, Dist. Chittagong. 2nd party.

Order no. 19 dt. 19-3-98

The court is duly constituted with the following :-

Mr. Md. Abdur Rahman Patwari-  
Mr. A.T.M. Nurul Alam,  
Mr. Safar Ali,

Chairman.;  
Members.

The petition dated 15-2-98 filed by the 1st party for withdrawal of the case is taken up for hearing and order.

Heard. Perused the withdrawal petition dated 15-2-98 and the record. The 1st party has stated in the withdrawal petition that both the parties resolved their dispute amicably out of the court. Therefore, she is not inclined to continue with the case.

The view of the Ld. members duly considered The prayer is allowed.  
Hence it is,

Ordered

That the 1st party be permitted to withdraw the case as sought for

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court.  
Chittagong.



IN THE 1ST LABOUR COURT AT CHITTAGONG

Complaint Case No. 31/96

Bina Das, S/o. Himanagshu Bimal Das, Operator,  
Arrow Fashion Pvt. Ltd. and President,  
Arrow Fashion Garments Sramik Karmachari Union,  
Regd. No. Chatta 1110, 82/83, Sadarghat Road,  
P.S. Kotwali, Dist. Chittagong.—1st party.

Vs.

Sk. Abdul Momin Mintu, S/o. Late Abdul Khaleque,  
Managing Director, Arrow Fashion Pvt. Ltd.,  
Factory-82/83, Sadarghat Road, P.s. Kotwali,  
Dist. Chittagong, Head Office-Ziban Bima Bhavan,  
Jublee Road, P.S. Kotwali, Dist. Chittagong.—2nd party.

Order no. 19 dt. 9-2-98


The court is duly constituted with the following :-

Mr. Md. Abdur Rahman Patwari,	—	Chairman.
Mr. K. Gyasuddin,;	}	Members.
Mr. Tapan Dutta,;		

The petition dated 17-12-97 filed by the 1st party for withdrawal of the case is taken up for hearing and order.

Heard. Paerused the withdrawal petition and the case record. The 1st party Bina Das has stated in her petition that after discussions in between both the parties, the dispute was resolved. So she will not proceed further.

The views of the Ld. Members considered.

The prayer is allowed. Hence it is, 

Ordered

That the 1st party be permitted to withdraw the case.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong

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**IN THE 1ST LABOUR COURT AT CHITTAGONG**

**Complaint Case No. 24/97**

Nazrul Islam, S/o Late Shaikh Dulal,  
Vill Saidali, P.o Baratakia, P.s.  
Mirsarai, Dist. Chittagong—1st party

*Vs.*

Manager (F),  
Zarina Carpet Mills Ltd.,  
Kalurghat 1/A, P.o Al-Amia Baria  
Madrasha, P.S Chendgaon,  
Dist. Chittagong— 2nd party

Order no. 8 dt 3-3-98

The court is duly constituted with the following :-

Mr. Md. Abdur Rahaman Patwari.—Chairman;  
Mr. K. gyasuddin, } —Members.  
Mr. Safar Ali, }

The 2nd party files hazira and ready for hearing. The 1st party takes no  
step and is found absent on repeated calls.

Consulted the Ld. Members.  
Hence it is,

**Ordered**

that the complaint case be dismissed for default.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.;

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**IN THE 1ST LAOUR COURT AT CHITTAGONG**

**Complaint Case No. 23/97**

Rafiqul Islam, S/o. Late Mozazzem Hossain,  
Vill. Hara Mia, P. O. Bakhterhat,  
P. S. Sandwip, Dist. Chittagong—1st party.

*Vs.*



Manager (F),  
Zarina Carpet Mills Ltd.,  
Kalurghat I/A, P. O. Al-Amin  
Baria Madrasha, P. S. Chandgoan,  
Dist. Chittagong—2nd party.

Order no. 8 dt. 3-3-98

The court is duly constituted with the following :

Mr. Md. Abdur Rahma Patwari, —Chairman.;  
Mr. K. Gyasuddin, } ..  
Mr. Safar Ali, } .. —Members.

The 2nd party files hazira and ready for hearing. The 1st party takes no step and is found absent on repeated calls.

Consulted the Ld. Members.

Hence it is,

**Ordered**

that the complaint case be dismissed for default.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.

**IN THE 1ST LABOUR COURT AT CHITTAGONG**

Complaint Case No. 22/97

Md. Shahidul Alam, S/c, Shamsul Alam Khan,  
Vill. Bara Uthan, P. O. Fazilkharhat,  
P. S. Patia, Dist. Chittagong.—1st party.

**Vs.**

Manager (F),  
Zarina Carpet Mills Ltd.,  
Kalurghat I/A, P. O. Al-Amin  
Baria Madrasha, P. S. Chandgaon,  
Dist. Chittagong. —2nd party.

Order no, 8 dt. 3-3-98

The court is duly constituted with the following:

Mr. Md Abdur Rahman Patuari —Chairman,  
Mr. K Gyasuddin —Members.  
Mr. Safar Ali,

The second party files hazira and ready for hearing. The 1st party takes no step and is found absent on repeated calls.

Consulted the Ld. Members.

Hence it is,

Ordered

that the complaints case be dismissed for default.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.

### IN THE 1ST LABOUR COURT AT CHITTAGONG

Complaint Case No. 21/97

Md. Nesharuddion, S/O, Nur Mohammad,  
Vill. South Hulain, P. S. Yakubdandi,  
P. S. Patia, Dist. Chittagong.—1st party.

*Vs.*

Mamnager (F),  
Karina Carpet mills Ltd.  
Zalurghat I/A, P. O. AlAmin,  
Baria Madrasha, P. S. Chandgaon,  
Dist. Chittagong.—2nd party.

Order No. 8 dt. 3-3-98

The court is duly constituted with the following:

Mr. Md. Abdur Rahman Patwari,—Chairman.  
Mr. K. Gyasuddin—Members  
Mr. Safar Ali,

The 2nd party files hazira and ready for hearing. The 1st party takes No step and is found absent on repeated calls.

Consulted the Ld. Members.

Hence it is,

Ordered

that the complaint case be dismissed for default.

Md. Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong..



**IN THE 1ST LABOUR COURT AT CHITTAGIONG**

**Complaint Case No. 20/97**

Sadhan Chnadra Dey, S/O. Nikunja Behari Dey,  
Vill West Ex Rangunia, P. O. Moghulhat,  
P. S. Rangunia, Dist. Chittagong—1st party.

*Versus*

Manager(F),  
Zarina Carpet Mills Ltd.,  
Kalurghat I/A, P. O. Al-Amin Baria  
Madrasha P. S. Chandgaon, Dist. Chittagong.—2nd party.

Order No. 8 dt. 3-3-98

The court is duly constituted with the following:

Mr. Md. Abdur Rahman Patwari,—Chairman.  
Mr. K. Gyasuddin,— } Members.  
Mr. Safar Ali, }

The 2nd party files hagira and ready for hearin. The 1st party takes no step and is found atosent on repeted calls.

Consulated the Ld. Members.

Hence it is,

**Ordered**

that the coplaint case be dismissed for default.

Md. Abdur Rahma Patwari,  
Chairman, 1st Labour Court,  
Chittagong.

**IN THE 1ST TABOUR COURT AT CHITTAGONG**

**Complaint Case No. 19/97**

Giasuddin, S/O, Late Md. Yousuf,  
Vill. South Hulain, P. O. Yakubdandi,  
P. S. Patia, Dist. Chittagong.—1st party.

*Versus*

Manager(F),  
Zarina Carpet Mills Ltd.,  
Kalurghat I/A, P. O. Al Amin,  
Baria Madrasha, P. S. Chandgaon,  
Dist. Chittagong.—2nd party.

Order No. 8 dt. 3-3-98

The court is duly constituted with the following:

Mr. Md. Abdur Rahman Patwari,—Chairman,  
Md. K. Gyasuddin, } Members.  
Mr. Safar Ali, }

The 2nd party files hazira and ready for hearing. The 1st party takes no step and is found absent on repeated calls.

Consulted the Ld. Members.

Hence, it is,

**Ordered**

that the complaint case be dismissed for default.

Md. Abdur Rahaman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.

### IN THE ISTLABOUR COURT AT CHITTAGONG

Complaint Case No. 18/97

Dipak Cawdhury, S/O, Sadan Chandra Chowdhury,  
Viill. Korolanga, P. S. Sarwatali, P. S. Boalkhali,  
Dist. Chittagong.—1st party.

*Versus*

Manager(F),  
Zarina Carpet Mills Ltd,  
Kalurghat I/A, P. O. Al-Amin  
Baris Madrasha, P. S. Candgaon,  
Dist. Chittagong—2nd party.

Order no. 7 dt. 2-3-98

The court is duly constituted with the follownig:

Mr. Md. Abdur Rahma Patwari, —Chairman.  
Mr. K. Gyasuddin, } —Members.  
Mr. Safar Ali, }

The 2nd party files hazira and ready for hearing. The 1st party takes no step and is found absent onrepeated calls.



Consultated the Ld. Members.

Hence it is,

**Ordered**

that the complaint case be dismissed for default.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.

**IN THE 1ST LABOUR COURT AT CHITTAGONG**

**Complaint Case No. 17/97**

Babul Mia, S/O, Md. Shaku Mia,  
Vill Dharmapur, P. O Southpara,  
P. S Satkania, Dist Chittagong—1st party

*Versus*

Manager(F),  
Zarina Carpet Mills Ltd.,  
Kalurghat I/A, P. O. Al-Amin  
Baria Madrasha, P. S. Chandgaon,...  
Dist Chittagong—2nd party

Order No 72-3-98

The court is duly constituted with the following:

Mr Md Abdur Rahman Patwari,—Chairman,  
Mr K Gyasuddin, } Members  
Mr Safar Ali, }

The 2nd party files hasira and ready for hearing. The 1st party takes no step and is found absent on repeated calls.

Consulted the Ld. Members

Hence it is,

**Ordered**

that hthe complaint case be dismissed for default.

Md Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.

## IN THE 1ST LABOUR COURT AT CHITTAGONG

Complaint Case No. 16/97

Md. Ali Akkas, S/o. Md. Abul Kashem,  
Vill. & P. o. Yakubdandi, P. S. Patia,  
Dist. Chittagong.—1st party.

vs.

Manager (F),  
Zarina Carpet Mills Ltd.,  
Kalurghat I/A., P. O. Al-Amin  
Baria Madrasha, P. S. Chandgaon,  
Dist. Chittagong—2nd party.

Order no. 7 dt. 2-3-98

The court is duly constituted with the following :

Mr. Md. Abdur Rahman Patwari,	—	Chairman.
Mr. K. Gyasuddin,	}	∴ —Members.
Mr. Safar Ali,		

The 2nd party files hazira and ready for hearing. The 1st party takes no step and is found absent on repeated calls.

Consulted the Ld. Members.

Hence it is,

**Ordered**

that the complaint case be dismissed for default.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.

## IN THE 1ST LABOUR COURT AT CHITTAGONG

Complaint Case No. 15/97

Md. Anwarul Islam, S/o. Ahmed Zamir,  
Vill. Kushumpura, P. O. Kalarpole,  
P. S. Patia, Dist. Chittagong—1st party.

*Versus*



Manager (F),  
Zarina Carpet Mills Ltd.,  
Kalurghat I/A, P. O. Al-Amin  
Baria Madrasha, P. S. Chandgaon,  
Dist. Chittagong—2nd party.

Order no. 7 dt. 2-3-98

The court is duly constituted with the following :

Mr. Md. Abdur Rahman Patwari,	—	Chairman.
Mr. K. Gyasuddin,	}	— Members.
Mr. Safar Ali,		

The 2nd party files *hagira* and ready for *hearing*. The 1st party takes no step and is found absent on repeated calls.

Consulted the Ld. Members.

Hence [it is]

*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*

Ordered

that the complaint case be dismissed for default.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.

## IN THE 1ST LABOUR COURT AT CHITTAGONG

Complaint Case No. 14/97

Moazzem Hossain, S/o Afazuddin,  
Vill Tua, P. O. Nangalcourt, P S  
Nangulcourt, Dist Comilla—1st party

*versus*

Manager (F),  
Zarina Carpet Mills Ltd,  
Kalurghat I/A, P. O. Al-Amin  
Baria Madra ha, P. S. Chandgaon,  
Dist Chittagong—2nd party

Order no 7 dt 2-3-98

The court is duly constituted with the following :

Mr. Md. Abdur Rahman Patwari,	}	—Chairman
Mr. K. Gyasuddin,		—Member
Mr. Safar Ali,		

The 2nd party files hazira and ready for hearing. The 1st party takes no step and is found absent on repeated calls.

Consulted the Ld. Members.

Hence it is,

**Ordered**

that the complaint case be dismissed for default.

Md. Abdur Rahman Patwari,  
Chairman, 1st Labour Court,  
Chittagong.

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মোঃ আবদুল করিম সরকার (উপ-সচিব), উপ-নিয়ন্ত্রক, বাংলাদেশ সরকারী মুদ্রালয়,  
ঢাকা কর্তৃক মুদ্রিত।

মোঃ আমিন জুবেরী আলম, উপ-নিয়ন্ত্রক, বাংলাদেশ ফরমস্ ও প্রকাশনী অফিস,  
তেজগাঁও, ঢাকা কর্তৃক প্রকাশিত।