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MINISTRY OF LABOUR, SOCIAL WELFARE, CULTURAL
AFFAIRS AND SPORTS

(Labour and Social Welfare Division)

Section VI

NOTIFICATION

Dacca, the 13th September 1975.

No. S. R. O. 326-L/25/S-VI/1(16/75/416.—In pursuance of sub-section (2) of section 37 of the Industrial Relations Ordinance, 1969 (XXIII of 1969), the Government is pleased to publish the awards and decisions of the Labour Court, Rajshahi, in respect of the following cases, namely:—

- (1) Criminal Case No. 2 of 1975.
- (2) Criminal Case No. 1 of 1975.
- (3) I. R. O. Case No. 36 of 1975.
- (4) I. R. O. Case No. 35 of 1975.
- (5) I. R. O. Case No. 34 of 1975.
- (6) I. R. O. Case No. 33 of 1975.
- (7) I. R. O. Case No. 32 of 1975.
- (8) I. R. O. Case No. 31 of 1975.
- (9) I. R. O. Case No. 30 of 1975.
- (10) I. R. O. Case No. 29 of 1975.
- (11) I. R. O. Case No. 28 of 1975.
- (12) I. R. O. Case No. 27 of 1975.

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- (13) I. R. O. Case No. 26 of 1975.
- (14) I. R. O. Case No. 25 of 1975.
- (15) I. R. O. Case No. 24 of 1975.
- (16) I. R. O. Case No. 13 of 1975.
- (17) I. R. O. Case No. 18 of 1975.
- (18) I. R. O. Case No. 17 of 1975.
- (19) I. R. O. Case No. 16 of 1975.
- (20) I. R. O. Case No. 15 of 1975.
- (21) I. R. O. Case No. 68 of 1975.
- (22) I. R. O. Case No. 67 of 1974.
- (23) I. R. O. Case No. 63 of 1974.

By order of the President
MUHAMMAD KHADEM ALI
Deputy Secretary.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

Criminal Case No. 2 of 1975.

Md. Abul Kashem, General Secretary, Edruc Employees Association, P. O.,
P. S. & Dist. Pabna—*Complainant,*

versus

(1) Hazi Moksed Ali, Managing Director, Edruc Ltd., P. O., P. S. &
Dist. Pabna.

AND

(2) Mr Salehuddin Ahmed, General Manager, Edruc Ltd., P. O., P. S., &
Dist. Pabna—*Opposite Parties.*

PRESENT:

Mr S. M. Sorajul Mowla—*Chairman.*

Mr Md. Amjad Ali

Mr S. K. Paul

} *Members.*

Dated the 17th July 1975:

This is an application under section 60, I. R. O., on the allegation that the petitioner Md. A. Kashem, General Secretary, Edruc Employees Association, Pabna, has been dismissed from service with effect from 29-4-1975 by order, dated 26-4-1975 while a conciliation proceeding was pending before the Assistant Director of Labour and Conciliator, Rajshahi Division, Rajshahi. The contention of the second party is that the petitioner has been dismissed from service according to law after observing all legal formalities and that no conciliation proceeding was pending on or about the date of dismissal of the petitioner. Only question for decision in this case is whether the petitioner was dismissed during the pendency of a conciliation proceeding.

FINDINGS AND DECISIONS

The first party raised five points charter of demands which was rejected by the second party. Thereafter the petitioner submitted a petition to the Assistant Director of Labour & Conciliator, Rajshahi Division, Rajshahi on 15-1-1975. The Conciliator served notice on both parties to attend a conciliation meeting in his office. This meeting could not be held as the second party refused to attend the meeting on the grounds that the demands were illegal. On 27-2-1975 the Conciliator informed the first party that the matter has been reported to the superior authority and proper action will be taken on receipt of direction from the superior authority. The attempt at conciliation or negotiation ended there, but after the order of dismissal the first party again wrote to the Conciliator on 29-5-1975 for instructions and by letter, dated 13-6-1975 the Conciliator informed the first party that after a conciliation meeting to be held on 19-6-1975 he will hold separate discussions with the parties and on the result of the discussions he will take up the matter with the superior authority but no meeting could be held on 19-6-1975, thus the attempt for conciliation failed. According to the Petitioner the conciliation proceeding was started on 17-1-1975 when the Conciliator issued notice to the parties and took up the matter for conciliation and in the opinion of the first party that conciliation proceeding is still pending but according to the second party it is not at all a conciliation proceeding within the meaning of section 27 and section 41 I.R.O. which was simply an attempt for negotiation under section 26.

Section 27(A) I.R.O. provides that if the parties failed to reach a settlement by negotiation under section 26 any of them may request the Conciliator to conciliate in the dispute and the Conciliator shall on the receipt of such report proceed to conciliate in the dispute. Section 28 of the same Act provides that if the Conciliator failed to settle the dispute within 10 days from the date of receipt of request made under section 27(A) the collective bargaining agent or the employer may serve 21 days notice of strike or lock out as the case may be. After such notice of strike or lock out the Conciliator shall continue to conciliate the dispute in spite of the notice of strike or lock out, failing which he shall try to persuade the parties to agree to refer the dispute to the arbitrator. If all these fails and where the Government prohibited the strike or lock out, Government shall refer the dispute to the Labour Court for adjudication. The petitioner did not serve the notice of strike under section 28 I.R.O. Section 41 I.R.O. provides that a conciliation proceeding shall be deemed to have commenced on the date on which a notice of strike or lock out is received by the Conciliator under section 28. Hence according to the laws as discussed above no conciliation proceeding was started nor any such proceeding was pending on or about the date of dismissal of the petitioner. It was argued on behalf of the petitioner that strike notice could not be served on account of declaration of national emergency. National emergency prohibited strike but did not prohibit or make it penal to serve a notice under section 28 I.R.O. Such notice would have opened three avenues of settlement and the petitioner could take advantage any of these avenues. Section 26 provides for direct negotiation and section 27(A) is a step further for the purpose of direct negotiation under the good offices of the Conciliator and it is by no means a conciliation proceeding within the meaning of section 28 and 41. The steps taken for direct negotiation which the petitioner misconceived as a conciliation proceeding came to an end on the expiry of 10 days from 17-1-1975 on which the Conciliator issued notice to

the parties to attend a meeting. Petitioner was dismissed long after 28-1-1975. His subsequent petition to the Conciliator after his order of dismissal were intended to prolong the steps taken under section 27(A) under a misconception of the law relating to conciliation proceeding. Hence the case fails.

Learned Members consulted.

Ordered

That the case be dismissed on contest without cost.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
17-7-1975.

Sd/-Md. Amjad Ali
Sd/-S. K. Paul
17-7-1975.

Note taken and transcribed by
Mr. Md. Nural Hoque, at my
dictation and corrected by me.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
17-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

Criminal Case No. 1 of 1975.

No. 15 of 1975 (I.R.O.)

M. A. Faruque, Boiler Foreman, Panchagarh Sugar Mills Ltd., Panchagarh
Dinajpur—*Petitioner,*

versus

- (1) Manager, Panchagarh Sugar Mills Ltd., Dinajpur,
- (2) Secretary, Bangladesh Sugar Mills Corporation, Shilpa Bhaban, Motijheel,
Dacca—2,
- (3) Mizanur Rahman, Asst. Administrative Officer, Panchagarh Mills Ltd.,
Dinajpur.—*Opposite Parties.*

PRESENT:

Mr S. M. Serajul Mawla—*Chairman.*
Mr Md. Amjad Ali }
Mr S. K. Paul } *Members.*

Order No. 6, Dated the 9th July 1975:

The case be withdrawn on compromise.

Sd/Md. Amjad Ali
Sd/S.K. Paul
9-7-1975.

Typed by Mr Md. Nurai Hoque,
Stenographer,
Labour Court, Rajshahi.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
9-7-1975.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
9-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I.R.O. Case No 36 of 1975.

Sree Shachindra Nath Saha, C/O. Bangladesh Chinikal Sramik Union, P. O.
Gopalpur, Dist. Rajshahi—*First Party,*

versus

(1) North Bengal Sugar Mills Ltd., P.O. Gopalpur, Dist. Rajshahi.

AND

(2) Bangladesh Chinikal Sangsta, Shilpa Bhaban, Motijheel Commercial Area,
P.S. Ramna, Dacca—2—*Second Parties.*

PRESENT:

Mr S. M. Serajul Mawla—*Chairman.*

Mr Md. Amjad Ali

Mr S.K. Paul

} *Members.*

Order No. 3, Dated the 15th July 1975:

On the prayer of the first party the case be withdrawn without cost.

Sd/Md. Amjad Ali
Sd/S. K. Paul
15-7-1975.

Typed by Mr Md. Nurai Hoque,
Stenographer, Labour Court, Rajshahi.

S. M. SERAJUL MAWLA
Chairman
Labour Court, Rajshahi.
15-7-1975.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
15-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I. R. O. Case No. 35 of 1975.

Md. Rustam Ali Mondal, C/o. Bangladesh Chinikal Sramik Union, P. O. Gopalpur, Dist. Rajshahi—*First Party*,

versus

- (1) North Bengal Sugar Mills Co. Ltd., P. O. Gopalpur, Dist. Rajshahi.
(2) Bangladesh Chinikal Sangsta, Shilpa Bhaban, Motijheel Commercial Area, P. S. Ramna, Dacca—2.—*Second Parties*.

PRESENT :

Mr S. M. SERAJUL MAWLA—*Chairman*.

Mr Md. AMJAD ALI

Mr S. K. PAUL

} *Members*.

Order No. 3, dated the 15th July, 1975:

On the prayer of the First party the case be withdrawn without cost.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
15-7-1975.

Sd/- Md. Amjad Ali

Sd/- S. K. Paul

15-7-1975.

Typed by Mr Md. Nural Hoque,
Stenographer,
Labour Court, Rajshahi.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
15-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I. R. O. Case No. 34 of 1975.

Md. Abdus Sobhan, C/o. Bangladesh Chinikal Sramik Union, P. O. Gopalpur, Dist. Rajshahi—*First Party*,

versus

- (1) North Bengal Sugar Mills Co. Ltd., P. O. Gopalpur, Dist. Rajshahi.
(2) Bangladesh Chinikal Sangsta, Shilpa Bhaban, Motijheel Commercial Area, P. S. Ramna, Dacca—2.—*Second Parties*.

PRESENT :

Mr S. M. SERAJUL MAWLA—*Chairman.*

Mr Md. AMJAD ALI

Mr S. K. PAUL

} *Members.*

Order No. 3, dated the 15th July, 1975:

On the prayer of the first party the case be withdrawn without cost.

S. M. SERAJUL MAWLA
Chairman.
Labour Court, Rajshahi.
15-7-1975

Sd/- Md. Amjad Ali

Sd/- S. K. Paul

15-7-1975.

Typed by Mr Nural Hoque,
Stenographer,
Labour Court, Rajshahi.

S. M. SERAJUL MAWLA

Chairman.

Labour Court, Rajshahi.

15-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi

I.R.O. Case No. 33 of 1975.

Sree Tarapada Halder, C/o, Bangladesh Chinikal Sramik Union, P. O. Gopalpur, Dist. Rajshahi—*First Party,*

versus

(1) North Bengal Sugar Mills Co. Ltd., P. O. Gopalpur, Dist. Rajshahi.

AND

(2) Bangladesh Chinikal Sangstha, Shilra Bhaban, Motijheel Commercial Area, P. S. Ramna, Dacca—2—*Second Parties.*

PRESENT:

Mr S. M. Serajul Mawla—*Chairman.*

Mr Md. Amjad Ali

Mr S. K. Paul ..

} *Members.*

Order No. 3, dated the 15th July 1975.

On the prayer of the first party the case be withdrawn without cost.

Sd/ Md. Amjad Ali
Sd/ S. K. Paul
15-7-1975.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
15-7-1975.

Typed by Mr Md. Nural Hoque,
Stenographer,
Labour Court, Rajshahi.

S. M. SERAJUL MAWLA
Chairman,
Labour Court Rajshahi.
15-7-1975.

IN THE LABOUR COURT AT RAJSHAHİ IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi

I. R. O. Case No. 32 of 1975.

Md. Abdul Rashid, C/o, Bangladesh Chinikal Sramik Union, P. O. Gopalpur,
Dist. Rajshahi—*First Party,*

Versus

(1) North Bengal Sugar Mills Co. Ltd., P. O. Gopalpur, Dist. Rajshahi.

AND

(2) Bangladesh Chinikal Sangsta, Shilpa Bhaban, Motijheel Commercial Area,
P. S. Ramna, Dacca—2—*Second Parties.*

PRESENT:

Mr S. M. Serajul Mawla—*Chairman.*

Mr Md. Amjad Ali
Mr S. K. Paul .. } *Members.*

Order No. 3, dated the 15th July 1975.

On the prayer of the first party the case be withdrawn without cost.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
15-7-1975.

Sd/ Md. Amjad Ali
Sd/ S. K. Paul
15-7-1975.

Typed by Mr Md. Nural Hoque,
Stenographer, Labour Court, Rajshahi.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
15-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi

I.R.O. Case No. 31 of 1975.

Md. Nurul Islam, C/o, Bangladesh Chinikal Sramik Union, P. O. Gopalpur, Dist. Rajshahi—*First Party*,

versus

(1) North Bengal Sugar Mills Co, Ltd., P. O. Gopalpur, Dist. Rajshahi,
AND

(2) Bangladesh Chinnical Sangsta, Shilpa Bhaban, Motijheel Commercial Area, P. S. Ramna, Dacca—2—*Second Parties*.

PRESENT:

Mr S. M. Serajul Mawla—*Chairman*.

Mr Md. Amjad Ali }
Mr S. K. Paul } *Members*.

Order No. 3, dated the 15th July 1975.

On the prayer of the first party the case be withdrawn without cost.

Sd/-Md. Amjad Ali
Sd/-S.K. Paul
15-7-1975

S. M. SERAJUL MAWLA
Chairman
Labour Court, Rajshahi.
15-7-1975.

Typed by Mr Md. Nurul Hoque,
Stenographer, Labour
Court, Rajshahi.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi,
15-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi

I.R.O. Case No. 30 of 1975.

Md. Badshah Miah, C/o, Bangladesh Chinnical Sramik Union, P. O. Gopalpur, Dist. Rajshahi—*First Party*,

versus

(1) North Bengal Suar Mills Co., Ltd. P. O. Gopalpur, Dist. Rajshahi,
AND

(2) Bangladesh Chinikal Sangsta, Shilpa Bhaban, Motijheel Commercial Area, P. S. Ramna, Dacca—2—*Second Parties*.

PRESENT:

Mr S.M. Serajul Mawla—*Chairman.*

Mr Md. Amjad Ali }
Mr S. K. Paul } *Members.*

Order No. 3, dated the 15th July 1975.

On the prayer of the first party the case be withdrawn without cost.

Sd/-Md. Amjad Ali
Sd/-S. K. Paul
15-7-1975.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
15-7-1975.

Typed by Mr Md. Nural Hoque,
Stenographer, Labour
Court, Rajshahi.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
15-7-1975.

IN THE LABOUR COURT AT RAJSHAHİ IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I. R. O. Case No. 29 of 1975.

Md. Jamsed Ali,

C/o. Bangladesh Chinikal Sramik Union, P. O. Gopalpur, Dist. Rajshahi
—*First Party,*

versus

- (1) North Bengal Sugar Mills Co. Ltd., P. O. Gopalpur, Dist. Rajshahi;
(2) Bangladesh Chinikal Sangstha, Shilpa Bhaban, Motijheel Commercial Area,
P. S. Ramna, Dacca—2—*Second Parties.*

PRESENT:

Mr S. M. Serajul Mawla—*Chairman.*

Mr Md. Amjad Ali }
Mr S. K. Paul } *Members.*

Order No. 3, dated the 15th July, 1975:

On the prayer of the first party the case be withdrawn without cost.

Sd/- Md. Amjad Ali.
Sd/- S. K. Paul.
15-7-1975.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
15-7-1975.

Typed by Mr Md. Nural Hoque,
Stenographer, Labour Court, Raj-
shahi.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
15-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I. R. O. Case No. 28 of 1975.

Md. Fazlul Hoque,

C/o. Bangladesh Chinikal Sramik Union, P.O. Gopalpur, Dist. Rajshahi
—*First Party*,

versus

(1) North Bengal Sugar Mills Co. Ltd., P. O. Gopalpur, Dist. Rajshahi;

(2) Bangladesh Chinikal Sangstha, Shilpa Bhaban, Motijheel Commercial Area,
P. S. Ramna, Dist. Dacca—*Second Parties*.

PRESENT:

Mr S. M. Serajul Mawla—*Chairman*.

Mr Md. Amjad Ali

Mr S. K. Paul

} *Members.*

Order No. 3, dated the 15th July, 1975:

On the prayer of first party the case be withdrawn without cost.

Sd/- Md. Amjad Ali.

Sd/- S. K. Paul.

15-7-1975.

S. M. SERAJUL MAWLA

Chairman,

Labour Court, Rajshahi.

15-7-1975.

Typed by Mr Md. Nural Hoque,
Stenographer, Labour Court,
Rajshahi.

S. M. SERAJUL MAWLA

Chairman,

Labour Court, Rajshahi.

15-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I. R. O. Case No. 27 of 1975.

Md. Abul Hossain, C/o. Bangladesh Chinikal Sramik Union, P. O. Gopalpur, Dist. Rajshahi—*First Party*,

versus

(1) North Bengal Sugar Mills Co., Ltd., P. O. Gopalpur, Dist. Rajshahi,

AND

(2) Bangladesh Chinikal Sangsta, Shilpa Bhaban, Motijheel Commercial Area,
P. S. Ramna, Dacca—2—*Second Parties*.

PRESENT:

Mr. S. M. Serajul Mawla—*Chairman*.

Mr. Md. Amjad Ali

Mr. S. K. Paul

} *Members.*

Order No. 3, dated the 15th July, 1975:

On the prayer of the first party the case be withdrawn without cost.

Sd/- Md. Amjad Ali

Sd/- S. K. Paul

15-7-1975.

S. M. SERAJUL MAWLA

Chairman,

Labour Court, Rajshahi.

15-7-1975.

Typed by Mr. Md. Nural Hoque,
Stenographer, Labour Court,
Rajshahi.

S. M. SERAJUL MAWLA

Chairman,

Labour Court, Rajshahi.

15-7-1975.

IN THE LABOUR COURT AT RAJSHAHÍ IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I. R. O. Case No. 26 of 1975.

Md. Ladua, C/o. Bangladesh Chinikal Sramik Union, P. O. Gopalpur, Dist.
Rajshahi—*First Party,*

versus

(1) North Bengal Sugar Mills Co. Ltd., P. O. Gopalpur, Dist. Rajshahi,

AND

(2) Bangladesh Chinikal Sangsta, Shilpa Bhaban, Motijheel Commercial Area,
P. S. Ramna, Dacca-2—*Second Parties.*

PRESENT:

Mr. S. M. Serajul Mawla—*Chairman*.

Mr. Md. Amjad Ali

Mr. S. K. Paul

} *Members.*

Order No. 3, dated the 15th July, 1975:

On the prayer of the first party the case be withdrawn without cost.

Sd/- Md. Amjad Ali

Sd/- S. K. Paul

15-7-1975.

S. M. SERAJUL MAWLA

Chairman,

Labour Court, Rajshahi.

15-7-1975.

Typed by Mr. Md. Nural Haque,
Stenographer, Labour Court,
Rajshahi.

S. M. SERAJUL MAWLA

Chairman,

Labour Court, Rajshahi.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nurul Islam Road, Rajshahi.

I.R.O. Case No 25 of 1975.

Md. Mustafizur Rahman,
S/o. Mohiruddin,
C/o. National Tobacco Workers Union,
P. O. Baharkanchna,
Dist. Rangpur—*First Party*,

versus

M/s. National Tobacco Co. Ltd.
Vill. Bahar Kachna,
P.O. New Sahebganj,
Dist. Rangpur—*Second Party*.

PRESENT:

Mr S.M. Serajul Mawla—*Chairman*.

Mr Md. Amjad Ali }
Mr. S.K. Paul } *Members*.

Order No 4, dated the 21st July 1975:

First party absent. Second party present with advocate. It is 11-30 a.m.
First party took no step.

Ordered

That the case be dismissed for default.

Sd/ Md. Amjad Ali
Sd/ S.K. Paul
21-7-1975.

S.M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
21-7-1975.

Typed by Mr Md. Nural Haque,
Stenographer, Labour Court,
Rajshahi.

S.M. SERAJUL MAWLA
Chairman Labour Court,
Rajshahi.
21-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I.R.O. Case No 24 of 1975.

Md. Altaf Hossain,
S/o. Mvi. Shahanatullah,
Vill. Nabanidas,
P.O. & P.S. Gangachara,
Dist. Rangpur—*First Party*,

versus

M/s. National Tobacco Co. Ltd.,
Vill. Bahar Kachna,
P.O. New Shahebganj,
Dist. Rangpur—*Second Party*.

PRESENT:

Mr S.M. Serajul Mawla—*Chairman*.

Mr Md. Amjad Ali }
Mr S.K. Paul } *Members*.

Order No. No 4, dated the 21st July 1975:

First Party absent. Second party present with advocate. It is 11-30 a.m.
First party took no step.

Ordered

That the case dismissed for default.

Sd/Md. Amjad Ali
Sd/S.K. Paul
21-7-1975.

S.M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
21-7-1975.

Typed by Mr Md. Nural Haque,
Stenographer, Labour Court,
Rajshahi.

S.M. SERAJUL MAWLA
Chairman, Labour Court,
Rajshahi.
21-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi

I. R. O. Case No. 13 of 1975.

Md. Abul Hossain, C/o. Bangladesh Chinikal Sramik Union, P. O. Gopalpur,
Dist. Rajshahi—*First Party*,

versus

(1) The Manager, North Bengal Sugar Mills Co. Ltd., P. O. Gopalpur, Dist.
Rajshahi,

AND

(2) The Secretary, Bangladesh Sugar Mills Corporation, Shilpa Bhaban, Moti-
jheel C. A., Dacca—2—*Second Parties*.

PRESENT:

Mr S. M. Serajul Mawla—*Chairman*.

Mr Md. Amjad Ali }
Mr S. K. Paul } *Members.*

Order No. 7, dated the 15th July 1975 :

On the prayer of the first party the case be withdrawn without cost.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
15-7-1975.

Md. Amjad Ali
S. K. Paul
15-7-1975.

Typed by Mr Md. Nural Haque,
Stenographer, Labour Court,
Rajshahi.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
15-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I. R. O. Case No. 18 of 1975.

Md. Habibur Rahman, C/o. Bangladesh Chinnical Sramik Union, P. O.
Gopalpur P. S. Lalpur, Dist. Rajshahi—*First Party,*

versus

- (1) North Bengal Sugar Mills Co. Ltd., P. O. Gopalpur, Dist. Rajshahi.
- (2) Bangladesh Sugar Mills Corporation, Shilpa Bhaban, Motijheel Commercial Area, P. S. Ramna, Dist. Dacca.

AND

- (3) The Secretary, Ministry of Industries, Nationalised Industries Division, Goyt. of the People's Republic of Bangladesh, Shilpa Bhaban, Motijheel Commercial Area, P. S. Ramna, Dacca—2—*Second Parties.*

PRESENT:

S. M. Serajul Mawla—*Chairman*.

Mr Md. Amjad Ali }
Mr S. K. Paul .. } *Members.*

Dated the 29th July 1975:

Petitioner Md. Habibur Rahman is a clerical staff in the Cane Department under the second parties. He brought this case with a prayer to direct the second parties to pay him the benefit for working on paid Festival

Holiday on SHAHID DIBOS on 21-2-1975. His case is based on an agreement dated 23-4-1973 between the North Bengal Sugar Mills Co. Ltd. and Bangladesh Chemical Sramik Union and Sugar Workers Federation of Bangladesh. The contention of the second parties is that the said agreement stood cancel with effect from 1-7-1973 on account of the promulgation of State Owned Manufacturing Industrial Workers (Terms and conditions of Service) Ordinance, 1973 which was later enacted as Act X of 1974. Under the provisions of this Act every worker coming within the scope of this Act is entitled to 10 days' Festival Holidays with full wages in a year. In this year the management in pursuance of this Act declared list of holidays which of course, did not include 21-2-1975 as it was Friday which is the weekly rest day for the mill and therefore, it was excluded from the list of Festival Holidays in the current year but the total number of Festival Holidays was not reduced from 10 days though 21-2-1975 was not declared Festival Holidays for the reasons just stated.

The contention of the petitioner is that he is not governed by Act X of 1974 and the agreement dated 23-4-1973 if void in respect of workers coming within the scope of Act X he is entitled to 18 days holidays as per agreement dated 23-4-1973. According to him the Act X applied to the workers who have been covered by the National Wages Commission but not to the employees who like the petitioner are covered by the National Pay Commission. Even if this contention of the petitioner is accepted as correct and even if it is conceded that parties are still bound by the agreement dated 23-4-1973 even then petitioner claim to the benefit for working on SHAHID DIBOS dated 21st February, 1975 is not maintainable because it was never settled by the agreement dated 23-4-1973 that SHAHID DIBOS shall be treated as Festival Holidays in each year. Admittedly list of holidays are prepared by the management on consentation with the workers union. This year the management could not arrived at any agreed settlement on account of non-co-operation by the workers union and therefore, the Management declared list of Festival Holidays *ex parte*. Whether the petitioner is entitled to 10 days Festival Holidays or 18 days Festival Holidays is a different question. He has got no guaranteed or secured right to enjoy 21st February 1975 as Festival Holidays in each year. Hence the case is bound to fail.

Learned Members consulted.

Hence ordered

That the case be dismissed on contest without cost.

Sd/- Md. Amjad Ali
Sd/- S. K. Paul

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
29-7-1975.

Note taken and transcribed by
Mr. Md. Nural Hoque, at my
dictation and corrected by
me.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
29-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road
Rajshahi.

I.R.O. Case No. 17 of 1975.

Md. Munsur Ali,
C/o. Uttar Banga Chinikal Farm Sramik Union,
P. O. Gopalpur,
P. S. Lalpur,
Dist Rajshahi—*First Party*,

versus

- (1) North Bengal Sugar Mills Co. Ltd.,
P. O. Gopalpur, P. S. Lalpur,
Dist. Rajshahi,
- (2) Bangladesh Sugar Mills Corporation,
Shilpa Bhaban, Motijheel Commercial Area,
P. S. Ramna, Dacca—2,
- (3) The Secretary,
Ministry of Industries,
Nationalised Industries Division,
Govt. of the People's Republic of Bangladesh,
Shilpa Bhaban, Motijheel Commercial Area,
P. S. Ramna, Dacca—2—*Second Parties*.

PRESENT:

Mr. S. M. Serajul Mawla—*Chairman*.

Mr. Md. Amjad Ali
Mr. S. K. Paul } *Members*.

Dated the 26th July 1975:

Petitioner Md. Munsur Ali is a Farm Worker in the Central Dairy Farm of O. P. No. 1. His case is that in pursuance of a negotiation between the Labour Union and the second parties No. 1, it was settled that Farm Workers will enjoy the same benefit of weekly rest and Festival Holidays as enjoyed by the workers of the main industry and since then the petitioner including all Farm Workers enjoyed 14 days Festival Holidays up to 1972 and 18 days Festival Holidays thereafter. By another agreement dated 23-1-1973 which was given effect to from 1-11-1972 it was agreed "that all other existing amenities in connection with Fringe benefits and practices shall continue to remain in force as here to before." Petitioner, therefore, claims that he is entitled to 18 days Festival Holidays with full pay in a Calendar year including SHAHID DIBOS and the benefits for working on 21-2-1975.

The contention of the second parties is that 21-2-1975 was not the list of Festival Holidays this year as it was Friday and was a weekly rest day in the mill of the second parties. List of Festival Holidays is prepared in consultation with Union Representatives. This year on account of non-co-operation by the Union Representatives the second party declared list of Festival Holidays *ex-parte*. As regards number of Festival Holidays the contention of the second party is that by Gazette Notification dated December, 1973 the Government has decided to allow 10 days Festival Holidays to every worker with full wages in a year. Hence petitioner is not entitled to more than 10 days Festival Holidays in a year.

It is true that Farm Workers used to enjoy same facilities as regards Festival Holidays as other workers of the Mill. They enjoyed 14 days Festival Holidays in 1972 and 18 days Festival Holidays in 1973 and 1974. It is admitted that under the present law the workers of the many industries are entitled to only 10 days Festival Holidays. But the contention of the first party is that he is not bound by this new enactment and his claim is based on agreements that took place prior to the above mentioned Gazette Notification. The agreements have not been produced for our consideration. We cannot say if the agreement if any is still binding on the second parties. Such an issue cannot be decided in a test case like this. Petitioner has got no secured or guaranteed right to enjoy 21st of February as Festival Holidays. The dates on which the Festival Holidays are to be enjoyed are decided by the Management and the Workers Union. They fail to arrive at any decision this year. Considering all this aspects of this case I am of the opinion that the petitioner can not be granted any relief in this case.

Learned Members consulted.

Hence ordered

That the case be dismissed on contest without cost.

Sd/-Md. Amjad Ali
Sd/-S. K. Paul
26-7-1975.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi,
26-7-1975.

Note taken and transcribed
by Mr Md. Nural Hoque,
at my dictation and corrected by me.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi,
26-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi

I.R.O. Case No. 16 of 1975.

Md. Nabiruddin Mollah,
C/o. Bangladesh Chinikal Sramik Union,
P.O. Gopalpur, P.S. Lalpur,
Dist. Rajshahi—*First Party*,

versus

- (1) North Bengal Sugar Mills Co. Ltd.
P. O. Gopalpur, P. S. Lalpur,
Dist. Rajshahi,
 - (2) Bangladesh Sugar Mills Corporation,
Shilpa Bhaban, Motijheel C. A.,
P. S. Ramna, Dacca—2,
- AND
- (3) The Secretary, Ministry of Industries (Nationalised Industries Div), Govt. of the People's Republic of Bangladesh, Shilpa Bhaban, Motijheel C.A., P.S. Ramna, Dacca—2—*Second Parties*.

PRESENT:

Mr S. M. Serajul Mawla—*Chairman*.

Mr Md. Amjad Ali
Mr S. K. Paul } *Members*.

Dated the 24th July 1975:

Petitioner Md. Nabiruddin Mollah is a Furnace Helper in Foundry section of the North Bengal Sugar Mills Ltd. In this case he claims medical allowance at Tk. 20/-per month with effect from 1st July, 1973 in pursuance of Gazette Notification, dated 19-12-1973 under the provision of the State Owned Manufacturing Industries Workers (Terms and Conditions) Ordinance, 1973.

The contention of the second party is that the aforesaid Gezette Notification relates to medical allowance, bonus, etc. of Sugar Mills workers but the first party is a "worker in the Foundry works of the second party" and as such this Gazette Notification is not applicable to him. The next contention of the second party is that the North Bengal Sugar Mills Ltd. maintains a well equipped Dispensary to provide free medical aid to its workers, hence under clause 3(II) of the said Gazette Notification no workers of the North Bengal Sugar Mills Ltd. is entitled to any medical allowance.

Findings And Decisions

The first contention of the second party that the petitioner is notan worker of the Sugar Mills is not correct. Foundry Section is an indispensable part of the Sugar Mills without which the Sugar Mills cannot function. As regards the second contention it is admitted that the North Bengal Sugar Mills maintains a dispensary to provide free medical aid to its workers. But it was argued on behalf of the petitioner that the dispensary maintained by the second party is only for show and name to

deprive the workers of their legitimate medical allowance. It is said that the dispensary is not at all well equipped and medicines are never available there. This contention of the second party, if true, is really a serious aspersion against the administration of the Mills. However, in view of the fact that the mills maintains a dispensary, I feel the grievance of the workers, if any, in this respect should be redressed by supply of adequate medical facilities to the workers and in any view of the matter this is a question for negotiation and settlement by the parties and this Court is not in a position to assess the loss of a worker on account of inadequate supply of medicine. I feel the management should spend an amount for medical benefit of its workers equal to total number of workers entitled to such benefit multiplied by twenty. With these observations the case be dismissed on contest without cost.

Learned members consulted.

Sd/- Md. Amjad Ali.

Sd/- S. K. Paul.

24-7-1975.

S. M. SERAJUL MAWLA

Chairman,

Labour Court, Rajshahi.

24-7-1975.

Note taken and transcribed by
Mr Md. Nural Hoque at
my dictation and corrected
by me.

S. M. SERAJUL MAWLA

Chairman,

Labour Court, Rajshahi.

24-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I. R. O. Case No. 15 of 1975.

M. A. Faruque, Boiler Foreman, Panchagarh Sugar Mills Ltd., Panchagarh,
Dinajpur—*Petitioner,*

versus

- (1) Manager, M/s. Panchagarh Sugar Mills Ltd., Panchagarh, Dinajpur.
- (2) Chairman, Sugar Mills Corporation, Shilpa Bhaban, Motijheel Commercial Area, Dacca-2—*Opposite Parties.*

PRESENT:

Mr S. M. Serajul Mawla—*Chairman.*

Mr Md. Amjad Ali

Mr S. K. Paul ..

} *Members.*

Order No. 7, dated the 9th July 1975:

The case be dismissed on compromise in terms of Solenama.

Sd/- Md. Amjad Ali.
Sd/- S. K. Paul.
9-7-1975.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
9-7-1975.

Typed by Mr Md. Nural Hoque,
Stenographer, Labour Court,
Rajshahi.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
9-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi

I. R. O. Case No. 68 of 1975.

Gopin, Farm Labour, Muladuli Farm, C/o. Bangladesh Chinikal Sramik
Union, P. O. Gopalpur, Dist. Rajshahi—*First Party,*

versus

(1) The Manager, North Bengal Sugar Mills Co. Ltd., P. O. Gopalpur,
Dist. Rajshahi,

And

(2) The Secretary, Bangladesh Sugar Mills Corporation, Shilpa Bhaban,
Motijheel Commercial Area, Dacca-2—*Second Parties.*

PRESENT:

Mr S. M. Serajul Mawla—*Chairman.*

Mr Md. Amjad Ali
Mr S. K. Paul ... } *Members,*

Order No. 14, dated the 15th July 1975:

Parties present. First party files a petition to withdraw the case.
Prayer allowed.

Ordered

That the case be withdrawn without cost.

Sd/-Md. Amjad Ali.
Sd/-S. K. Paul,
15-7-1975.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
15-7-1975.

Typed by Mr Md. Nural Hoque,
Stenographer, Labour Court,
Rajshahi,

S. M. SERAJUL MAWLA
Chairman,
Labour Court Rajshahi
15-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I. R. O. Case No. 67 of 1974.

Harua, Farm Labour, Muladuli Farm, C/o. Bangladesh Chinikal Sramik Union, P. O. Gopalpur, Dist. Rajshahi—*First Party*,

versus

(1) The Manager, North Bengal Sugar Mills Co. Ltd., P. O. Gopalpur, Dist. Rajshahi.

And

(2) The Secretary, Bangladesh Sugar Mills Corporation, Shilpa Bhaban Motijheel Commercial Area, Dacca—2—*Second Party*.

PRESENT:

Mr S. M. Serajul Mawla—*Chairman*.

Mr Md. Amjad Ali

Mr S. K. Paul

} *Members.*

Order No. 14, dated the 15th July 1975:

Parties present. First party files a petition to withdraw the case. Prayer allowed.

Ordered

That the case be withdrawn without cost.

Sd/ Md. Amjad Ali.

Sd/ S. K. Paul.
15-7-1975.

Typed by Mr Md. Nural Hoque,
Stenographer, Labour Court,
Rajshahi.

S. M. SERAJUL MAWLA

Chairman,
Labour Court, Raishahi.
15-7-1975.

S. M. SERAJUL MAWLA

Chairman
Labour Court, Raishahi.
15-7-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I. R. O. Case No. 63 of 1974.

Sree Gour Chandra Halder, Worker, Dairy Farm, C/o. Uttar Banga Chinikal Farm Sramik Union, P. O. Gopalpur, Dist. Rajshahi—*First Party*.

versus

(1) The Manager, North Bengal Sugar Mills Co. Ltd., P. O. Gopalpur, Dist. Rajshahi,

AND

(2) The Secretary, Bangladesh Sugar Mills Corporation, Shilpa Bhaban, Motijheel C. A., Dacca—2—*Second Parties*.

PRESENT:

Mr S. M. Serajul Mawla—*Chairman*.

Mr Md. Amjad Ali }
Mr S. K. Paul . . . } *Members.*

Order No. 15, dated the 15th July 1975:

Parties present. First party files a petition to withdraw the case. Prayer allowed.

Ordered

That the case be withdrawn without cost.

Sd/ Md. Amjad Ali.

Sd/ S. K. Paul.
15-7-1975.

S. M. SERAJUL MAWLA
Chairman,
Labour Court Rajshahi.
15-7-1975.

Typed by Mr Md. Nural Hoque,
Stenographer, Labour Court,
Rajshahi.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
15-7-1975.