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GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LABOUR, SOCIAL WELFARE, CULTURAL AFFAIRS
AND SPORTS.

(Labour and Social Welfare Division.)

Section VI.

NOTIFICATION

Dacca, the 2nd January, 1976.

No. S.R.O. 5-L/76/S-VI/1(16)/75/I.—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) I.R.O. Case No. 56 of 1974.
- (2) I.R.O. Case No. 58 of 1975.
- (3) I.R.O. Case No. 59 of 1975.
- (4) I.R.O. Case No. 60 of 1975.
- (5) I.R.O. Case No. 61 of 1975.
- (6) I.R.O. Case No. 62 of 1975.
- (7) I.R.O. Case No. 63 of 1975.

(257)

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- (8) I.R.O. Case No. 64 of 1975.
- (9) I.R.O. Case No. 65 of 1975.
- (10) I.R.O. Case No. 86 of 1975.
- (11) I.R.O. Case No. 69 of 1975.
- (12) I.R.O. Case No. 71 of 1975.
- (13) I.R.O. Case No. 74 of 1975.
- (14) I.R.O. Case No. 76 of 1975.
- (15) I.R.O. Case No. 87 of 1975.
- (16) Complaint Case No. 20 of 1975.
- (17) Complaint Case No. 22 of 1975.
- (18) Complaint Case No. 23 of 1975.
- (19) Complaint Case No. 24 of 1975.

By order of the President
MUHAMMAD KHADEEM ALI
Deputy Secretary.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I.R.O. Case No. 56 of 1974.

Md. Omor Faruque, 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, Dt. Rajshahi :
- (2) Bangladesh Sugar Mills Corporation, Shilpa Bhawan, Motijheel, P.S. Ramna, Dacca—2.
- (3) Secretary, Industries Deptt. to the Government of The People's Republic of Bangladesh (Nationalised Industries Division), Shilpa Bhawan, Motijheel, Dacca—2—*Second Parties.*

PRESENT ;

Mr. S. M. Serajul Mawla—*Chairman.*

Mr. Md. Amjad Ali

--

Mr. S. K. Paul

--

} *Members.*

Order No. 25, dated the 2nd December 1975 :

Parties present. Heard both sides. At this stage 1st party files a petition for withdrawal of the case with permission to sue afresh. Prayer allowed.

Ordered

That the case be withdrawn with permission to sue afresh on the same cause of action if not otherwise barred.

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

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
2-12-1975.

Typed by Mr. Md. Nural Hoque and
corrected by me.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
2-12-1975.

IN THE LABOR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I.R.O. Case No. 58 of 1975.

Sree Radhika Proshad Shao, C/o. Bangladesh Chinikal Sramik Union,
P.O. Gopalpur, P.S. Lalpur, Dist. Rajshahi—*Petitioner,*

versus

- (1) North Bengal Sugar Mills Co., Ltd., P.O. Gopalpur, P.S. Lalpur, Dist. Rajshahi ;
- (2) Bangladesh Chinikel Sangsta, Shilpa Bhaban, Motijheel, Commercial Area, P.S. Ramna, Dacca—2 ;
- (3) Secretary, Industries Deptt. to the Government of The People's Republic of Bangladesh (Nationalised Industries Division), Shilpa Bhaban, Motijheel Dacca—2—*Opposite Parties.*

PRESENT :

Mr. S. M. Serajul Mawla—*Chairman*.

Mr. Md. Amjad Ali ..

Mr. S. K. Paul

} *Members.*

Order No. 8, dated the 3rd December 1975 :

Parties present. Heard both sides. At this stage 1st party files a petition for withdrawal of the case with permission to sue afresh. Prayer allowed.

Ordered

That the case be withdrawn with permission to sue afresh on the same cause of action if not otherwise barred.

S. M. SERAJUL MAWLA

Sd/- Md. Amjad Ali.

Sd/- S.K. Paul.

Chairman,

Labour Court, Rajshahi.

3-12-1975.

Typed by Mr. Md. Nural Hoque at
my dictation and corrected by me.

S. M. SERAJUL MAWLA

Chairman,

Labour Court, Rajshahi.

3-12-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I.R.O. Case No. 59 of 1975.

Sree Phani Bhusan Das, C/o. Bangladesh Chinikal Sramik Union, P.O.
Gopalpur, P.S. Lalpur, Dist. Rajshahi—*First Party*,

versus

- (1) North Bengal Sugar Mills Ltd., P.O. Gopalpur, P.S. Lalpur, Dist. Rajshahi ;
- (2) Bangladesh Chinikal Sangsta, Shilpa Bhaban, Motijheel Commercial Area, P.S. Ramna, Dacca—2;
- (3) Secretary, Industries Deptt. to the Government of The People's Republic of Bangladesh (Nationalised Industries Division), Shilpa Bhawan, Motijheel, Dacca—2—*Second Parties*.

PRESENT :

Mr. S. M. Serajul Mawla—*Chairman*.

Mr. Md. Amjad Ali

Mr. S. K. Paul

} *Members.*

Order No. 8, dated the 3rd December 1975 :

Parties present. Heard both sides. At this stage 1st party files a petition for withdrawal of the case with permission to sue afresh. Prayer allowed.

Ordered

That the case be withdrawn with permission to sue afresh on the same cause of action if not otherwise barred.

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

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
3-12-1975.

Typed at my dictation by Mr. Md. Nural Hoque and corrected by me.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
3-12-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I.R.O Case No. 60 of 1975.

Sree Jibendra Nath Sarker, C/o. Bangladesh Chinikal Sramik Union, P. O. Gopalpur, P. S. Lalpur, District Rajshahi.—*First Party*,

versus

- (1) North Bengal Sugar Mills Ltd., P. O. Gopalpur, P. S. Lalpur, District Rajshahi ;
- (2) Bangladesh Chinikal Sangsta, Shilpa Bhaban, Motijheel Commercial Area, P. S. Ramna, Dacca—2 ;
- 3) Secretary, Industries Department to the Government of The People's Republic of Bangladesh (Nationalised Industries Division), Shilpa Bhaban, Motijheel, Dacca—2—*Second Parties*.

PRESENT :

Mr. S. M. Serajul Mawla—*Chairman*.

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

Order No. 8, Dated the 3rd December, 1975 :

Parties present. Heard both sides. At this stage 1st party files a petition for withdrawal of the case with permission to sue afresh. Prayer allowed.

Ordered

That the case be withdrawn with permission to sue afresh on the same cause of action if not otherwise barred.

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

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
3-12-1975.

Typed by Mr. Md. Nural Hoque,
at my dictation and corrected
by me.

S. M. SERAJUL MAWLA,
Chairman,
Labour Court, Rajshahi.
3-12-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I.R.O. Case No. 61 of 1975.

Md. Ekramul Hoque, C/o. Bangladesh Chinikal Sramik Union, P. O. Gopalpur,
P. S. Lalpur, District Rajshahi—*First Party*,

versus

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

PRESENT :

Mr. S. M. Serajul Mawla—*Chairman.*

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

Order No. 8, dated the 3rd December, 1975:

Parties present. Heard both sides. At this stage 1st party files a petition for withdrawal of the case with permission to sue afresh. Prayer allowed.

Ordered

That the case be withdrawn with permission to sue afresh on the same cause of action if not otherwise barred.

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

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
3-12-1975.

Typed at my dictation by
Mr. Md. Nural Hoque
and corrected by me.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
3-12-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I.R.O. Case No. 62 of 1975.

Md. Shamsur Ali, 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 Chinikal Sangsta Shilpa Bhaban, Motijheel, P. S. Ramna, Dacca—2;
- (3) Secretary, Industries Deptt. to the Government of The People's Republic of Bangladesh (Nationalised Industries Division), Shilpa Bhawan, Motijheel, Dacca—2—*Second Parties.*

PRESENT :

Mr. S. M. Serajul Mawla—*Chairman.*

Mr. Md. Amjad Ali ..

Mr. S. K. Paul

} *Members.*

Order No. 8, dated the 4th December 1975 :

Parties present. Heard both sides. At this stage 1st party files a petition for withdrawal of the case with permission to sue afresh. Prayer allowed.

Ordered

That the case be withdrawn with permission to sue afresh on the same cause of action if not otherwise barred.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
4-12-1975.

Sd/- Md. Amjad Ali.

Sd./- S.K. Paul.

Typed by Mr. Md. Nural Hoque
at my dictation and corrected by me.

S.M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
4-12-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I.R.O. Case No. 63 of 1975.

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

versus

- (1) North Bengal Sugar Mills, Ltd., P.O. Gopalpur, P.S. Lalpur, Dist. Rajshahi ;
- (2) Bangladesh Ch'nikal Sangsta, Shilpa Bhawan, Motijheel, Commercial Area P.S. Ramna, Dacca—2;
- (3) Secretary, Industries Deptt. to the Government of The People's Republic of Bangladesh (Nationalised Industries Division), Shilpa Bhawan, Motijheel, Dacca—2—*Second Parties,*

PRESENT :

Mr. S. M. Serajul Mawla—*Chairman*.

Mr. Md. Amjad Ali ..

Mr. S. K. Paul ..

} *Members.*

Order No. 8, dated the 4th December 1975 :

Parties present. Heard both sides. At this stage 1st party files a petition for withdrawal of the case with permission to sue afresh. Prayer allowed.

Ordered

That the case be withdrawn with permission to sue afresh on the same cause of action if not otherwise barred.

S. M. SERAJUL MAWLA

Chairman,

Labour Court, Rajshahi.

4-12-1975.

Sd/- Md. Amjad Ali.

Sd./- S.K. Paul.

Typed by Mr. Md. Nural Hoque at my dictation
and corrected by me.

S.M. SERAJUL MAWLA

Chairman,

Labour Court, Rajshahi.

4-12-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I.R.O. Case No. 64 of 1975.

Gour Chandra Sarker, C/o. Bangladesh Chinikal Sramik Union, P.O. Gopalpur,
P. S. Lalpur, Dist. Rajshahi—*First Party*,

versus

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

PRESENT :

Mr. S. M. Serajul Mawla—*Chairman.*

Mr. Md. Amjad Ali ..

Mr. S. K. Paul ..

} *Members.*

Order No. 8, dated the 4th December 1975 :

Parties present. Heard both sides. At this stage 1st party files a petition for withdrawal of the case with permission to sue afresh. Prayer allowed.

Ordered

That the case be withdrawn with permission to sue afresh on the same cause of action if not otherwise barred.

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

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
4-12-1975.

Typed at my dictation by Mr. Md. Nural
Hoque and corrected by me.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
4-12-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I.R.O. Case No. 65 of 1975.

Sree Kali Das Saha, 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 Chinikal Sangsta, Shilpa Bhaban, Motijheel, Commercial Area, P.S. Ramna, Dacca—2;
- (3) Secretary, Industries Deptt. to the Government of The People's Republic of Bangladesh (Nationalised Industries Division), Shilpa Bhaban, Motijheel, Dacca—2—*Second Parties.*

PRESENT :

Mr. S. M. Serajul Mawla—*Chairman.*

Mr. Md. Amjad Ali

Mr. S. K. Paul

} *Members.*

Order No. 8, dated the 4th December 1975 :

Parties present. Heard both sides. At this stage, 1st party files a petition for withdrawal of the case with permission to sue afresh. Prayer allowed.

Ordered

That the case be withdrawn with permission to sue afresh on the same cause of action if not otherwise barred.

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

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
4-12-1975.

Typed by Mr. Md. Nural Hoque and corrected by me.

S.M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
4-12-1975.

IN THE LABOUR COURT AT RAJSHAH I IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I.R.O. Case No. 86 of 1975.

Md. Abdus Sattar, S/o. Late Shamsher Ali Mridha, Darwan, Security C. R. No. 646, Vill. Joynagar, P. O. Pukuria, District Pabna—*Petitioner,*

versus

Manager, Alhaj Textile Mills Ltd., Ishurdi, Pabna—*Opposite Party.*

PRESENT :

Mr. S. M. Serajul Mawla—*Chairman.*

Mr. Md. Amjad Ali

Mr. S. K. Paul

} *Members.*

Order No. 3, dated the 8th December, 1975:

Parties present. Heard learned advocate for the parties. Petitioner was a Dawan under the 2nd party. He went on Casual Leave and was arrested by the police and remained in custody for about a month. He could not

report for duty after expiry of leave and also failed to submit any petition for extension of beave. He was informed by the 2nd party that he has lost his lien in his service. Hence this case. The action taken by the 2nd party is just and legal. He should have approached his employer immediately after his release. The vacancy caused by the action taken against him U/S 5(3) of Employment of Labour (Standing Orders) Act has been filled up. Second party however assured that his case will receive proper consideration if and when occasion would arise. In any case this Court cannot give him any relief at this stage. Learned Members consulted.

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,
8-12-1975.*

Typed by Mr. Md. Nural Hoque
and corrected by me.

S. M. SERAJUL MAWLA

*Chairman,
Labour Court, Rajshahi,
8-12-1975.*

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Narul Islam Road, Rajshahi.

I.R.O. Case No. 69 of 1975.

Mr. Fazlul Hoque Montoo, General Secretary, Calico Cotton Mills Sramik Samity, Pabna. On behalf of office employees—*Petitioner,*

versus

1. The Manager, Calico Cotton Mills Ltd., Pabna ;
2. Bangladesh Textile Industries Corporation, Sadharan Bima Bhaban, 33, Dilkusha Commercial Area, Dacca-2—*Opposite Parties.*

PRESENT :

Mr. S. M. Serajul Mawla—*Chairman.*

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

Dated the 20th November, 1975;

This case was instituted by one Mr. Fazlul Hoque Montoo in his capacity as General Secretary, Calico Cotton Mills Sramik Samity, Pabna on behalf of office employees numbering 46 on the allegation that the office employees are governed by Shops and Establishment Act, 1965 and are entitled to one and half day's consecutive holidays in a week but by the second party in violation of the provision of the law allowed these employees only one day's weekly holidays. Hence this case for the pay of extra half day's work done by them since the date of their appointment. The claim of all the employees are not uniform. It varies from 132 hours to 906 hours. All the officers do not belong to the same category. There are office Peon, Production Incharge, Improvement Supervisor, etc. Petitioner Mr. Fazlul Hoque Montoo did not turn up on the date of hearing. None of the employees on whose behalf this case was instituted was present in Court. Learned Advocate for the petitioner also failed to show that the Sramik Samity of which Mr. Fazlul Hoque Montoo claims to be General Secretary is a registered trade union. Without going into the various legal aspects of this case I think this case should fail on account of petitioner's absence and for failure to establish his *locus standi* to bring such a case on behalf of the employees.

Learned Members consulted.

Hence ordered

That the case be dismissed for default and as well as not maintainable.

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

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
20-11-75.

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

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
20-11-75.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I. R. O. Case No. 71 of 1975.

Begum Hamida Khanum, Female Assistant, Family Planning Centre, C/o. Dr. Abbas Ali Sarker, Vill. Singahat, P.O. Durgapur, Dist. Rajshahi—*Petitioner,*

versus

- (1) Executive-cum-Publicity Officer, District Family Planning Board, Rajshahi;
- (2) Deputy Commissioner and Chairman, District Family Planning Board, Rajshahi—*Opposite Parties.*

PRESENT:

Mr. S.M. Serajul Mawla—*Chairman.*

Mr. Md. Amjad Ali

Mr. S. K. Paul

} *Members.*

Order No. 4, dated the 27th November, 1975:

Parties present. Heard petitioner, a Female Assistant of Family Planning Centre was dismissed from service with effect from 15-9-74. She instituted this case on 5-9-1975 under section 34, I.R.O. Besides the question whether she was a Government Servant or not the case is hopelessly barred by limitation.

Ordered

That the case be dismissed on contest without cost.

S. M. SERAJUL MAWLA

Chairman,

Labour Court, Rajshahi.

27-11-1975.

Sd./- Md. Amjad Ali.

Sd./- S.K. Paul.

Typed by Mr. Md. Nural Hoque, Steno-
grapher, Labour Court, Rajshahi.

S. M. SERAJUL MAWLA

Chairman,

Labour Court, Rajshahi.

27-11-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I.R.O. Case No. 74 of 1975.

Md. Bachchu Mia Bhuiya, S/o. Late Altaf Ali Bhuiya, C/o. Baighar, Natore,
P.O. Natore, Dist. Rajshahi—*Petitioner,*

versus

M/S. College Library, Book Centre, Prop. Md. Jalal Hossain Bhuiya, P.O.
Natore, Dist. Rajshahi—*Opposite Party.*

PRESENT :

Mr. S.M. Serajul Mawla—*Chairman.*

Mr. Md. Amjad Ali

Mr. S. K. Paul

} *Members.*

Order No. 4, dated the 6th November 1975 :

Petitioner absent on repeated calls and took no step. O.P. present with advocate.

Ordered

That the case be dismissed for default.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
6-11-1975.

Sd./- Md. Amjad Ali.
Sd./- S.K. Paul
6-11-1975.

Typed by Mr. Md. Nural Hoque, Steno-
grapher, Labour Court, Rajshahi.

S.M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
6-11-1975.

IN THE LABOUR COURT AT RAJSHAH I IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I.R.O. Case No. 76 of 1975.

Alimuddin Akanda, S/o. Late A. Rashid Akanda, Vill. Panchani Math
(Shakher Chak), P. S. Boalia, Dist. Rajshahi—*Petitioner,*

versus

- (1) Manager, Kalpana Cinema, P.O. Ghoramara, P. S. Boalia, Dist. Rajshahi;
(2) The Rajshahi Traders Syndicate Ltd., Banga Bandhu Avenue, Dacca-2—
Opposite Parties.

PRESENT :

Mr. S. M. Serajul Mawla—*Chairman.*

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

Dated the 29th November, 1975.

Petitioner a permanent employee of the Rajshahi Medical College serving in the capacity of a Peon, was appointed as a part time worker under the opposite parties in May, 1971 as Gate Keeper of the Kalpana Cinema Hall. On 13-4-1975 it was found that he allowed some men inside the Hall without ticket. He was therefore charged for dishonesty in connection with the employers'

business. He submitted explanation pleading innocence. Not satisfied with his explanation an enquiry was held giving him proper opportunity to defend himself. The Enquiry Committee examined the petitioner, another Gate Keeper who was also accused of the same offence and one Sunnat Ali and Md. Shefatullah. Both the witnesses admitted that they entered the Hall on payment of cash money to the petitioner and his colleague Montu Chandra Das. On perusal of the relevant papers I am of the opinion that the charge has been well established against the petitioner and no injustice was done to him.

Petitioner being a Government Servant his service as a part-time worker under the opposite parties cannot be classified under any of the classification of the workers as given in Section 4 of the Employment of Labour (Standing Orders) Act. I am therefore of the opinion that he has got no relief under the said Act.

Learned Members consulted.

Hence ordered

That the case be dismissed on contest without cost.

Sd/- Md. Amjad Ali.
Sd/- S. K. Paul.
29-11-1975.

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
29-11-1975.

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

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
29-11-1975.

IN THE LABOUR COURT AT RAJSHAHİ IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

I.R.O. Case No. 87 of 1975.

Md. Abdul Aziz Khan, S/o. Late Nasiruddin Khan of Dakhin-Raghabpur,
P. O. Pabna, Armed Guard of Uttara Bank, Natore Branch, Natore,
Rajshahi—*Petitioner,*

versus

Managing Director, Uttara Bank Ltd., 42, Dilkusha Commercial Area, Dacca-2—
Opposite Party.

PRESENT :

Mr. S. M. Serajul Mawla—*Chairman,*

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

Order No. 2, dated the 25th November, 1975 :

Heard. Seen the order of termination dated 2-1-1975 and 2nd party's reply of grievance petition dated 23-9-1975. This is a case of simple termination dated 2-1-1975. The case is time barred and not maintainable.

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

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
25-11-1975.

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

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
25-11-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

Complaint Case No. 20 of 1975.

Mr. Obaidur Rahman, son of Mr. Shamsur Rahman, by caste Muslim, by profession service, of the village Thanthania, Titultoja, P. S. and P. O. Bogra, District Bogra—*First Party*,

versus

(1) The Chief Executive, Noorani Groups of Industries, Santahar Road, P. O. and P. S. Bogra, District Bogra;

And

(2) Chairman, Food and Allied Industries Corporation, Motijheel Commercial Area, Amin Court, Dacca, Bangladesh—*Opposite Parties*.

PRESENT :

Mr. S. M. Serajul Mawla—*Chairman*.

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

Dated, the 26th November 1975 :

This is a case under section 25 of the Employment of Labour (Standing Orders) Act, 1965. The case of the petitioner is that he was a Car Driver under the opposite party since 1967 and in January, 1972 he was transferred to Sale Section as a salesman but his service was terminated by order dated 20-5-1975. Hence this case for declaration that the order of termination is void, illegal and without any lawful authority.

The contention of the second party is that the petitioner was a Car Driver but his services became absolutely unnecessary for the farm in view of the fact that the farm ceased to own or possess any car. He was allowed to continue in service of the opposite party as Car Driver in the expectation that the farm will be in a position to own or possess a car but its expectation did not materialise. Though the farm had no car after January, 1972, still petitioner was retained in service and he drew his salary as before as a Car Driver. But Bangladesh Food and Allied Industries Corporation did not approve the retention of the petitioner unnecessarily. Therefore, instead of taking action under section 12 the second party terminated his service under section 19 of the Employment of Labour (Standing Orders) Act only to give him some additional benefit which he would not get if he would have been retrenched under section 12.

The papers produced by the parties shows that the petitioner was a Car Driver and he drew his salary as a Car Driver even after the second party ceased to possess a car. He was neither transferred to Sales Department nor his service as a salesman was confirmed. It might be true that he worked here and there under the second party as he had no work to do as Car Driver. The allegation that his service has been terminated on account of his trade union activities is false. Hence no injustice was done to him by terminating his service and in our opinion he is not entitled to any relief.

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.
26-11-1975.

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

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
26-11-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

Complaint Case No. 22 of 1975.

Md. Yusuf Ali, s/o. Kader Ali Mondal, Vill. Ulipur, P.O. Tilakpur, Dist. Rajshahi—*Petitioner,*

versus

General Manager, Bogra Cotton Spinning Co. Ltd., College Road, Bogra—
Opposite Party.

PRESENT;

Mr. S. M. Serajul Mawla—*Chairman.*

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

Order No 3, dated the 27th November 1975:

Petitioner absent. He has sent a medical certificate accompanied by a petition for time. O.P. is present. This is a case of simple termination u/s 19 of the Employment of Labour (Standing Order) Act and as such is not maintainable. No useful purpose will be served by adjournment.

Hence ordered

That the case be dismissed for default and also on the ground that it is not maintainable.

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

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
27-11-1975.

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

S.M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi,
27-11-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

Complaint Case No. 23 of 1975.

Md. Sobhan Ali, s/o. Late Roisuddin Sk., Vill. Bara Bonogram, P.O. Sopura,
P.S. Paba, District Rajshahi—*First Party,*

versus

- (1) M/s. Aziz Match Factory, P.O. Sapura, P.S. Paba, District Rajshahi,
(2) Bangladesh Fertilizer, Chemical and Pharmaceutical Corporation, 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.*

Dated the 28th November 1975:

Petitioner was a Security Guard under the M/s. Aziz Match Factory since 1972. On 19-6-1975 while on duty as Security Guard he was asked by Mr. Nazir Uddin, Office Asst., to help the loading of match boxes on a Truck. He refused to carry out the order of Mr. Nazir Uddin in the absence of any written order from the Project Incharge. He was therefore charge-sheeted for defying the order of a superior officer under clause 3(a) of section 17 of the Employment of Labour (Standing Orders) Act, 1965. In his explanation he admitted that he asked for written order from the office as it was not possible for him to leave the gate. Mr. Nazir Uddin could not supply any office order hence he did not leave the gate. He further stated that in his opinion it is an offence to leave the gate on the verbal order of an officer. Not satisfied with the explanation an Enquiry Committee was set up to enquire into the charges. The Enquiry Committee found the petitioner guilty but recommended for taking a lenient view of the matter on certain grounds but he was dismissed with effect from 14-8-1975 by an order of Project Incharge. Hence this case for reinstatement with all back wages.

Normally a Security Guard is not required to load match boxes on outgoing truck but on that date due to some unusual circumstances Mr. Nazir Uddin had to seek the help of the petitioner. Petitioner was aware of the circumstances under which Mr. Naziruddin asked him to help the loading of the truck yet he dishonoured the request of Mr. Naziruddin. His fellow Security Guard Md. Delwar Hossain did not disoblige Mr. Naziruddin on the plea that there was no written order from the Project Incharge. From the deposition of the witnesses and the report of the Enquiry Committee it appears that Mr. Naziruddin asked the petitioner for help under unavoidable circumstances. Hence the plea taken by the petitioner cannot be accepted as genuine. It is a clear case of insubordination. The enquiry though conducted in good faith is vitiated on account of certain irregularities. The charge or the notice issued to the petitioner does not contain the names of the members constituting the Enquiry Committee. It appears the Enquiry Committee consisted of Mr. Rezaul Karim as Chairman, Mr. Narayan Chandra De and Mr. Abdus Salam as Members. On 29-7-1975 possibly Mr. Rezaul Karim asked for instruction from the Project Incharge as to how the enquiry should be conducted, in the absence of Mr. Abdus Salam. On 30-7-1975 he was instructed to complete the enquiry alone. The loose sheets of papers consisting of the enquiry proceeding contains no orders but official notes. Order sheets were not properly maintained and orders were not properly communicated to the petitioner. Petitioner and witnesses were examined in the form of questions and answers. Petitioner was not asked whether he wanted to produce any witness in support of his defence. It is not known or at least it cannot be gathered from the papers of the enquiry proceeding if the petitioner was at all present when other witnesses were examined on different dates. He was not given an opportunity to cross examine the witness examined by the Enquiry Committee. Hence we are of the opinion that the enquiry was not proper and the order of dismissal on the basis of such enquiry cannot be upheld.

It is really unfortunate that often a dismissed worker though really guilty of a unpardonable offence had to be reinstated in services by the Court simply because of ignorance of the Superior Officers about the laws and procedure relating to dismissal and termination of services of a worker.

Ordered

That the case be allowed on contest in part without cost. Petitioner be reinstated in his original post forthwith. The period from the date of his dismissal till the date of his reinstatement be treated as leave without pay.

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

S. M. SERAJUL MAWLA
Chairman,
Labour Court, Rajshahi.
28-11-1975.

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

S.M. SERAJUL MAWLA
Chairman.
28-11-1975.

IN THE LABOUR COURT AT RAJSHAHI IN BANGLADESH

Kazi Nazrul Islam Road, Rajshahi.

Complaint Case No. 24 of 1975.

Md. Borkot Ullah, s/o. Late Sukh Chand Seikh, Vill and P.O. Sapura, P.S. Paba, District Rajshahi—*First Party,*

versus

- (1) M/s. Azia Match Factory, P.O. Sapura, P.S. Paba, Dist. Rajshahi,
(2) Bangladesh Fertilizer, Chemical and Pharmaceutical Corporation, Shilpa Bhaban, Motijheel Commercial Area, P.S. Ramna, Dist. Dacca—*Second Parties.*

PRESENT:

S.M. Serajul Mawla—*Chairman.*

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

Dated the 28th November 1975:

Petitioner Md. Barkatullah, an employee of Azia Match Factory, Rajshahi, was caught red-handed on 1-8-1975 while attempting to remove some articles from the factory premises. An enquiry was held on the spot then and there and by order dated 19-8-1975 he was dismissed under section 17 of the Employment of Labour (Sanding Orders) Act. No proceeding was drawn up against him. He was not asked to explain or to show cause nor he was given any opportunity to defend himself. Therefore, I have no alternative other than doing the unpleasant task of giving an order of reinstatement in

his favour. The second party will do well if they care to learn the laws and procedure relating to dismissal, discharge, retrenchment and termination and thereby we will be relieved of doing such unpleasant work and the Government also will not be required to undergo unnecessary financial loss.

Learned Members consulted.

Hence ordered

That the case be allowed in part on contest without cost. Petitioner reinstated in his original post forthwith and the period commencing from the date of his dismissal till the date of his reinstatement be treated as leave without pay.

Sd/- Md. Amajd Ali

Sd/- S.K. Paul.

S. M. SERAJUL MAWLA

Chairman,

Labour Court, Rajshahi.

28-11-1975.

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

S. M. SERAJUL MAWLA

Chairman,

Labour Court, Rajshahi.

28-11-1975.